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THE CHEROKEE INDIANS IN TEXAS.¹

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I. THE CHEROKEE LAND QUESTION.

1. ORIGIN OF THE CHEROKEE CLAIMS.

Rather than be compelled to make peace and acknowledge the sovereignty of the United States, and be brought in contact with the civilization of the Anglo-Americans, a number of Cherokee Indians, belonging principally to what was known as the hunter class, at the close of the American Revolution abandoned their ancient villages "in the wild and picturesque region where the present States of Tennessee, Alabama, Georgia, and the Carolinas join one another," and removed to the territory of their friend and ally² Spain, settling on White River in Louisiana. As the American settler encroached upon their lands in the East, families and small parties of dissatisfied Cherokees would join their brethren in the West. After the United States purchased Louisiana, a larger party of these Indians thought it best to obtain the consent of the president previous to their removal;³ this and similar requests suggested the policy of the United States of removing all the Indians west.⁴ By the end of 1819 about six thousand Cherokees lived

¹An extension of a thesis presented for the M. A. degree at the University of Texas.

²*Carondelet on the Defence of Louisiana, 1794. American Historical Review*, II 478.

³*American State Papers. Indian Affairs*, II 125, 129.

⁴Schoolcraft, *Archives of Aboriginal Knowledge*, VI 402.

west of the Mississippi.¹ This large immigration of Cherokees led to trouble, on the one hand, with the aborigines whose hunting grounds they appropriated, and, on the other, with the whites who were opposed to seeing their fertile lands closed to the settler by the presence of the Indians. The government was obliged to interfere in the interest of peace and good order. Again a party of Cherokees packed up their trappings and departed; and again they sought refuge under the hospitable roof of the Spaniard. They crossed the Sabine into the province of Texas, and Spain, which had hitherto sought to expel every Anglo-American immigrant who dared to tread her soil, appears to have raised no objection.

The precise date of the entrance of the Cherokees into Texas has not been ascertained. While yet residing in Arkansas their hunting and trapping expeditions doubtless led them to traverse the plains west and south of the Sabine and Red Rivers. This region was claimed by the Caddoes, but they had already been robbed of a large portion of the western part by the prairie Indians. The Cherokees were friends to the Caddoes. The latter had permitted them to settle upon their lands on the Red River.² In the winter of 1819-20 the first party of Cherokees, numbering sixty warriors, removed to Texas³ and settled near what was then perhaps the boundary line between the Caddoes and prairie Indians.

For over a century Spain had made attempts at colonizing Texas; and down to 1806 she had made at least some progress. At that time the white population of the province numbered about seven thousands souls. Over one hundred thousand head of cattle and between forty and fifty thousand tame horses grazed on the broad prairies.⁴ Fifteen hundred soldiers garrisoned the various frontier posts. San Antonio and Nacogdoches had stripped off the garb of such posts and imitated the fashions of the capital. But the outbreak of the struggle for independence in 1810 marks the

¹C. C. Royce, *The Cherokee Nation*, in the *Report of the American Bureau of Ethnology for 1883-4*, 218.

²W. A. Trimble to John C. Calhoun, August 7, 1818, in Jedediah Morse's *Report to the Secretary of War*, 256.

³*National Intelligencer*, September 15, 1820.

⁴Almonte's *Noticia Estadística sobre Tejas*, in Filisola's *Memorias para la Historia de la Guerra de Tejas*, II 537.

beginning of a series of disasters for Texas which threatened total depopulation. The revolution soon drew the Comanches and Lipans into the struggle. The troubles in the interior left the farmers and ranchmen on the frontier at the mercy of these Indians, who robbed them, killed them, or made them prisoners.¹ The large number of horses and mules that fell into the hands of the savages they exchanged for guns, ammunition, and whatever else pleased their fancy. The traffic in horses and mules became so extensive that well beaten trails led from the interior of the border provinces to the frontier of the United States, and it proved so lucrative to those engaged in it that the Indians were encouraged to prosecute their robbing and plundering expeditions against Texas, Coahuila, and Nuevo Santander with ever increasing ferocity.² Texas in particular suffered almost complete desolation; by 1820 nothing remained but a few scattered settlements in the west.

Although determined to escape the dominion of the Anglo-Saxon, the Cherokees that entered Texas were not savages. They did not wholly depend upon the chase to supply their necessities, but practiced a primitive agriculture in addition and, therefore, occupied a fairly well-marked locality. "They work for their living and dress in cotton cloth of their own manufacture. They raise cattle and horses, and use fire arms. Many of them understand the English language."³ The earliest statement of the extent of their territory represents them as claiming the region lying between the Trinity and Sabine Rivers north of the San Antonio road.⁴ This section includes the greater portion of what in the early history of Texas figured so prominently as the "red lands." They had a deep red soil, very rich, well timbered, well watered,

¹Juan Antonio Padilla, *Memoria sobre los Indios infieles de la Provincia de Texas*. Diciembre 27 de 1819. Austin Papers.

²S. F. Austin to Anastasio Bustamante, May 10, 1822. Austin Papers.

³Felix Trespalacios to Gaspar Lopez, Nov. 8, 1822. Bexar Archives. See also Bowles's petition, dated July 16, 1833, and the letter from the political chief to the secretary of State, dated July 20, 1833, quoted below, pp. 158-160.

⁴Statement of Antonio Bulfe (Wolfe ?), very probably the same person that accompanied Fields to Mexico as interpreter (See note 3, p. 100). Alcalde of Nacogdoches to the political chief, September 11, 1824. Bexar Archives.

and adapted to all purposes of agriculture, and they abounded in game, fish, and wild fruits. Iron ore and salt springs were found in places.¹ These advantages together with its delightful climate made this region almost an exact copy of that which the Cherokees had abandoned in the East. It seems that they at once decided to make this the permanent home of their tribe. Profiting by their experience in the land business in the United States, they took the precaution at the very beginning of securing some sort of legal title to the lands they occupied. What the nature of this grant was it is impossible to tell, since no record of it was made. The only information touching it is contained in a letter written by their chief, Richard Fields, to James Dill, the judge of Nacogdoches.

Richard Fields, who figures as the principal chief of the Cherokees in Texas up to the time of his assassination in 1827, was a half-breed, and a man of considerable intelligence. He accompanied a delegation of his tribe to the city of Mexico in 1822-23, joined the York lodge of free masons while there, and at the time of his death was a master mason.² He labored earnestly and faithfully for the best interests of his people as he understood them. He appears to have been able to speak English,³ but could not write his name.⁴ He could not speak Spanish and it is quite certain that he could not understand it; for in one of his letters to the alcalde of Nacogdoches he says:

"I wish Satisfactory orders. I had no doubt But the lines I Received from your hand would Be satisfactory If I could understand it[.] I am Determined to wait for them till I hear from you[.] I would Be very glad if you would Send me a Copy of your order that I may know how to act without Danger.

"N. B. I wish you to send it to me in English."⁵

¹Bonnell, *Topographical Description of Texas*, 10-25, *passim*.

²Thrall, *History of Texas*, 539; Yoakum, *History of Texas*, I, 250, note.

³Fields acted as interpreter at a treaty held at the Council House in the Chickasaw country, September 19, 1812. *Niles' Weekly Register*, III 166.

⁴As his practice of making his mark which appears in the agreement of Nov. 8, 1822, and in numerous letters shows.

⁵Fields to Procela, April 27, 1825. File 4546, Nacogdoches Archives.

The letter touching their grants, sent by Fields to Dill, reads thus (*verbatim et literatim*):

“feburey the fust Day 1822

“Apacation mad to the subsprem Governer of the Province of Spain

“Dear Sir I wish to fall at your feet and omblay ask you what must be Dun with us pur Indians[.] we have som Grants that was give to us when we live under the Spanish goverment and we wish you to send us nuws by the Next mal whather tha wil be Reberbd [reversed(?)] or Not[.] and if wer committed we wil com as soon as posble to persent ourselves befor you in a manner agreeable to our talants if we do pesant ourselves in a Rou maner[.] we pray you to Rite us[.] our intenson ar good to wards the gov-ernment[.] you sas [*sic*] a chaf of the Charkee Nation.

“Richard felds”¹

This remarkable letter was called forth by the changed conditions resulting from the revolution which had recently freed Mexico from Spain. But why should there be any apprehension on the part of the Indians about their grants not being respected? All holdings in full property of land in Texas were valid and recognized by the new government. However, the grants spoken of by Fields seem not to have conveyed titles in fee simple, but were mere permits from some of the Spanish officials allowing the Cherokees to occupy that section of the province. But what better claims did the Indian possess anywhere else, and what more did a people need who lived by hunting? Grants of this sort, of course, must be confirmed by the new government. What reply, if any, Fields received to his letter the writer has not been able to discover. From the events that follow it is safe to conclude that nothing of importance was done till the fall of the year.

Under date of November 8, 1822, the governor of the province of Texas, Don José Felix Trespalacios, wrote as follows to the commandant general of the Eastern Internal Provinces, Don Gaspar Lopez:

“Captain Richard [Fields] of the Cherokee nation, with twenty-

¹Bexar Archives. James Dill forwarded this letter with the following note: “this aplation has ben mad to me and I Desire ansceer by the Nex mal and instruct me how I will ansur thar Requeste.”

two more Indians that accompanied him, visited me to ask permission for all belonging to his tribe to settle upon the lands of this province. After I had informed myself through several foreigners, who are acquainted with this nation, that it is the most industrious and useful of the tribes in the United States, I entered with said Captain into the agreement the original of which I send you. This arrangement provides that Captain Richard and six others of his nation with two interpreters, escorted by Lt. Don Ignacio Ronquillo and fifteen men of the Viscayan troop, shall proceed to your headquarters and, if it meet your approval, thence to the court of the Empire.

"The Cherokee nation, according to their statement, numbers 15,000 souls; but there are within the borders of Texas only one hundred warriors and two hundred women and children. They work for their living and dress in cotton cloth which they themselves manufacture. They raise cattle and horses, and use firearms. Many of them understand the English language. In my opinion they ought to be useful to the province, for they immediately became subject to its laws and I believe will succeed in putting a stop to carrying stolen animals to the United States and in arresting those evil-doers that infest the roads."¹

The agreement referred to by Governor Trespalcacios in the foregoing letter reads thus:

"Articles of agreement made and entered into between Captain Richard, of the Cherokee nation, and the Governor of the Province of Texas.

"Article 1st. That the said chief Richard with five² others of his tribe, accompanied by Mr. Antonio Mexia and Antonio Wallk,³

¹Bexar Archives. Translation. This translation, as well as those below, were made from the Spanish originals; and, unless otherwise credited, they were made by the writer.

²This is "con otros cinco," but in Trespalcacios's letter to Gaspar Lopez, November 8, 1822, in the pass given to Lieutenant Ronquillo, November 10, 1822, and in Gaspar Lopez's reply to Trespalcacios, December 14, 1822, the reading is "Capitan Richar y los otros seis."

³[Antonio Wolfe (?)] James Dill, judge of Nacogdoches, on October 6, 1822, introduces a man by this name to Governor Trespalcacios: "I will interduce the Sittozen Antoney Wollf to your Excellency as an gуст and honest Sittozen who has been Born and Raised a Spanish Subject." Bexar Archives. The name is also spelled "Gulfo" and "Bulfo."

who act as Interpreters, may proceed to Mexico, to treat with his Imperial Majesty, relative to the settlement which said chief wishes to make for those of his tribe who are already in the territory of Texas, and also for those who are still in the United States.

“Article 2d. That the other Indians in the city, and who do not accompany the beforementioned, will return to their village in the vicinity of Nacogdoches, and communicate to those who are at said village, the terms of this agreement.

“Article 3d. That a party of the warriors of said village must be constantly kept on the road leading from this province to the United States, to prevent stolen animals from being carried thither, and to apprehend and punish those evil disposed foreigners, who form assemblages, and abound on the banks of the river Sabine within the Territory of Texas.

“Article 4th. That the Indians who return to their Town, will appoint as their chief the Indian Captain called Kunetand, alias Tong Turqui, to whom a copy of this agreement will be given, for the satisfaction of those of his tribe, and in order that they may fulfill its stipulations.¹

“Article 5th. That meanwhile, and until the approval of the Supreme Government is obtained, they may cultivate their lands and sow their crops, in free and peaceful possession.

“Article 6th. That the said Cherokee Indians, will become immediately subject to the laws of the Empire, as well as all others who may tread her soil, and they will also take up arms in defense of the nation if called upon so to do.

“Article 7th. That they shall be considered Hispano-Americans, and entitled to all the rights and privileges granted to such; and to the same protection should it become necessary.

“Article 8th. That they can immediately commence trade with the other inhabitants of the Province, and with the exception of arms and munitions of war, with the tribes of Savages who may not be friendly to us.

“Which Agreement comprising the eight preceding articles, has been executed in the presence of twenty-two Cherokee Indians, of the Baron de Bastrop, who has been pleased to act as Interpreter,

¹The appointment of this Indian Kunetand appears to have been a suggestion of Fields's; he was commissioned by Governor Trespalacios, Nov. 9, 1822. A copy of the commission is preserved in the Bexar Archives.

of two members of the Ayuntamiento, and two officers of this Garrison. Bexar, 8th November, 1822. [Signed.] José Felix Tres-
his

palacios, José Flores, Nabor Villarreal, Richard X Fields, El Baron
mark

de Bastrop, Manuel Iturri Castillo, Fran^{co} de Castañeda."¹

Two subjects stand out prominently in this agreement, and in the governor's letter transmitting it to the commandant general of the Eastern Internal Provinces—land, and Indian depredations; the former brought the Cherokees to Bexar, the latter promised to insure them success. In a paragraph above, the cause and effect of the Comanche War (for thus were the robbing and plundering inroads of these Indians denominated) was touched upon. This war was still in progress in 1822; and one of the principal routes by which the stolen horses and mules reached the United States passed near Nacogdoches, terminating at Natchitoches. There seemed but one way to put an end to these Indian incursions and that was to stop the trade in stolen animals. Exactly how this was to be accomplished with the means at their disposal the Mexican officials did not know. About this time much good was expected to result from simply blockading the trade routes by stationing garrisons, or by making settlements at suitable points.² A few years later nothing short of extermination of the Indians³ promised

¹*Record of Translations of Empresario Contracts*, 85. General Land Office. This translation was made by Thomas G. Western, translator per contract, in the years 1838-40, and, though it is verbose and arbitrarily punctuated, it is substantially correct; it is the one that has been consulted by most of the writers upon this subject, and, therefore, it has been thought best to present it unchanged.

The collection of MSS. constituting the Spanish archives of the Texas General Land Office has been bound in 67 volumes, numbered consecutively. References in this paper are made to volumes 52-56, the first of these being entitled *Empresario Contracts*, and the other four *Appendix to Empresario Contracts in 4 Volumes*. Translations of the *Empresario Contracts* and of a portion of the materials in the appendix are found in a volume separate from the collection mentioned. This volume is entitled *Record of Translations of Empresario Contracts, List of Grants for Lands, and other Documents*.

²S. F. Austin to Anastasio Bustamante, May 10, 1822 (Austin Papers); James Dill to Governor Trespacios, August 27, 1822 (Bexar Archives).

³Political chief to the commander of Texas, September 11, 1825, and March 7, 1826. Bexar Archives.

any relief. Governor Trespalcacios had neither garrisons nor settlers at his disposal, while his province was the worst harried of all by the Comanches; so it appears to have struck him, when Fields and his followers arrived, that he might convert the Cherokees into Spanish-Americans and utilize them in putting an end to the illicit trade carried on by way of the Nacogdoches route. The agreement provides for this, the governor dwelt upon it in his letter to Gaspar Lopez, and Señor Mier pointed to it when the business of the Cherokees came up in the Constituent Congress, April 17, 1823.¹ In what spirit the Indians accepted this duty we are left to conjecture, although subsequent events partially discover their attitude.

The pass² issued by the governor to Lieutenant Ronquillo, who was to escort the delegation of Cherokees at least as far as Saltillo, where the commandant general of the Eastern Internal Provinces resided, bears date of November 10, 1822, and it is likely that the Indians set out on their journey from Bexar not long afterward.

Of the six companions of Fields we are furnished the names of two—Bowles and Nicolet.³ December 14, General Lopez reported to Governor Trespalcacios the arrival of Fields and his party at Saltillo. He approved the steps taken by the governor, and, after having entertained the Indians “como corresponde al caracter generoso de los Mejicanos y franqueandoles 100 pesos para los gastos de su viaje,” sent them on their way to the court of the Empire, where they arrived early in 1823.

Affairs at the capital at this juncture were the most unfavorable possible for the accomplishment of the business the Cherokees had in hand. Iturbide had seen all his efforts to establish himself as emperor prove futile. He was obliged to reassemble the Constituent Congress which he had dissolved in October of the previous year. March 19, he laid down the crown and shortly afterward left the country. It is improbable that the Indians made much

¹*Diario de Congreso Constituyente*, 291.

²The poverty of the government is illustrated by the fact that in Ronquillo's pass the civil and military officials and the managers of the estates along the way are earnestly requested to supply food and lodging free of charge.

³Vice Governor Beramendi's Resolution¹ August 21, 1833 in *Appendix to Empresario Contracts* (General Land Office), III 300; *Texas Almanac for 1858*, 168.

headway in their business during their stay at the capital previous to this date; and, what is to be particularly noted, it would not have availed them much if they had; for the newly assembled congress declared that "all the acts of the late government from the 19th of May to the 29th of March last [1823] are illegal and remain subject to revision by the present government for confirmation or rejection."¹

The Constituent Congress provisionally vested the executive power in a committee of three, composed of Generals Victoria, Bravo, and Negrete and known as the supreme executive power, which was installed March 30, 1823. Generals Victoria and Bravo served in this capacity during the whole time of the provisional government, and under the constitutive act were chosen the first president and vice-president of the Republic. Lucas Alamán was minister of relations (foreign and home) both under the provisional government and under the Republic until September, 1825.

Fields and his companions appear to have comprehended the effect of this revolution in Mexican affairs; they did not, therefore, leave the capital for Texas, but remained and turned to the new government for lands. No general colonization law having yet been enacted, their petition was laid directly before congress. April 10, 1823, Richard Fields petitioned congress to continue the allowance which had been promised him for his support while at the capital but which had ceased to be paid since ex-Minister Herrera² had left the city. His request was granted.³ April 17, Padre Don Servando Mier, deputy from the province of Monterey,⁴ "called attention to the expediency and even the necessity there was for attending to the Cherokees, in order that they might aid our settlements in the province of Texas against the savages who invade it and who have caused dreadful ruin in it." "Sr. Mendiola also stated that those tribes were worthy of attention, since it was within their power to choose to belong to the United States but they

¹Dublan y Lozano, *Legislación Mexicana. Decreto No. 321.* Translation.

²Herrera was Iturbide's minister of relations. Bancroft, *History of Mexico*, IV 736.

³*Diario de Congreso Constituyente*, 242, 243.

⁴Bancroft, *History of Mexico*, IV 780.

preferred rather to belong to the Mexican nation: that Don Juan Francisco Azcárate was well posted on this subject, since the preceding government had charged him with this and like matters, and that it was possible, therefore, to ask him to report in order that congress might proceed with full knowledge."¹ The congress adopted Sr. Mendiola's suggestions; but, when Sr. Azcárate reported on April 29, he simply recommended the action which the executive had taken in the meantime.²

The action taken by the executive relative to the Cherokees, referred to by Sr. Azcárate, took the form of the following resolution, which was addressed to Don Felipe de la Garza, successor to Gaspar Lopez as commandant general of the Eastern Internal Provinces:

"The Supreme Executive Power, has been pleased to resolve that Richard Fields chief of the Cherokee Tribe of Indians, and his companions now in this Capital, may return to their country, and that they be supplied with whatever may be necessary for that purpose. Therefore, Their Supreme Highnesses have directed me to inform you, that although the agreement made on the 8th November 1822 between Richard Fields and Colonel Felix Trespalacios Governor of Texas, remains provisionally in force, you are nevertheless, required to be very careful and vigilant, in regard to their settlements, endeavoring to bring them towards the interior, and at places least dangerous, not permitting for the present the entrance of any new families of the Cherokee tribe, until the publication of the General Colonization law, which will establish the rules and regulations to be observed, although the benefits to arise from it, can not be extended to them, in relation to all of which,

¹*Diario de Congreso Constituyente*, 291. Translation.

For the extracts from the Journal of the Constituent Congress I am indebted to my friend and teacher, the late Mr. Lester Gladstone Bugbee, Adjunct Professor of History in the University of Texas.

²*Diario de Congreso Constituyente*, 379.

Sr. Azcárate's report was referred to the committee on colonization. Whether this committee reported thereon, the writer has not been able to ascertain as he has not had access to a copy of the *Diario de Congreso Constituyente*. However, it is very probable that the committee made no report, but put aside the petition of the Cherokees like those of Hayden Edwards, Robert Leftwich, James Wilkinson and others, in order to give its undivided attention to the formulation of a general colonization law which would dispose of all of these petitions.

Their Highnesses intend to consult the Sovereign Congress. That while this is effecting, the families already settled, should be well treated, and the other chiefs also, treated with suitable consideration, provided that those already within our territory respect our laws, and are submissive to our Authorities; and finally, Their Highnesses order, that in future neither these Indians, nor any others be permitted to come to the City of Mexico, but only send their petitions in ample form, for journeys similar to the present, are of no benefit, and only create unnecessary expense to the State. All of which I communicate to you for your information and fulfillment."¹

Upon the receipt of this resolution Fields and his companions returned to Texas. It will not be amiss to review briefly the results of their visit to the capital; for it is right here that differences of opinion have crept in and have caused writers to misinterpret facts which otherwise should have been quite plain. For instance, Mr. Yoakum, speaking of this visit says, "The business of the Cherokees was soon adjusted. They had already entered into an agreement with Don Felix Trespalacios, by which they were permitted to enjoy the lands on which they had settled *in common*."² The agreement was confirmed by Iturbide on the 27th of April, 1823, with the understanding that the Indians were to retire farther into the interior, and that no additional families of them should immigrate till the publication of the general colonization law."³ In his footnotes Mr. Yoakum cites the documents quoted above as authority for his statements. It is hard to tell from what part of the agreement he got the idea, which he states so emphatically, that the Indians were to enjoy the land in common. Article 5 is the one which is most explicit on this point, but it furnishes no more argument in favor of the idea that they were to enjoy it in common than for the idea that they were to enjoy it in severalty. As a matter of fact, it was not within the scope of the agreement to determine the form in which they should enjoy or hold their lands.

¹Alamán, minister of relations, to Felipe de la Garza, commandant general of the Eastern Internal Provinces, April 27, 1823. *Record of Transactions of Empresario Contracts* (General Land Office), 85, 86. Translation by Thomas G. Western.

²The italics are Mr. Yoakum's.

³Yoakum, *History of Texas*, I 216.

That Iturbide did not confirm the agreement on April 27, 1823, is clear, since he had ceased to be emperor more than a month before; however, Bancroft supports Yoakum in this error.¹ Nor can the action of the supreme executive power be interpreted as defining the manner in which the Indians were to hold their lands; on the contrary, this is the very matter they expressly state shall be determined by the general colonization law.

The results of Fields's trip to the city of Mexico as far as land was concerned amounted to this: The agreement with Trespalcacios provided that "until the approval of the Supreme Government is obtained, they may cultivate their lands, and sow their crops, in free and peaceful possession." Location of the lands and title to the same were passed over because these were matters upon which Trespalcacios could not act. The supreme executive power gave some directions touching the location of the lands, should they be granted, but postponed a decision on the manner in which they should be held by approving the agreement with Trespalcacios provisionally; that is, until the general colonization law should be passed "which would establish the rules and regulations to be observed" in the assignment and distribution of land.

The other subject of the agreement and the one that Governor Trespalcacios had been so deeply interested in—the part the Cherokees were to play in putting an end to the illicit trade in horses and mules—was passed over by the supreme executive power. In fact, that part of their resolution directing the removal of the Cherokees to some point in the interior and forbidding the entrance of additional families practically annulled it.

2. THEIR CLAIMS DEFINED.

It would seem that Fields was quite satisfied with the results of his visit to the city of Mexico. For nearly a year not a word was heard from him. During this time he did as he pleased; and the commandant general of the Eastern Internal Provinces made no attempt to trouble him with the instructions he had received from the government in the resolution of April 27, 1823. In the meantime, too, Trespalcacios had ceased to be governor of Texas, and his successor most probably did not know that he had, or was supposed to have, Cherokees among his subjects. Again, therefore, it is the

¹Bancroft, *North Mexican States and Texas*, II 103, note 8.

Indians that are the first to speak out. March 6, 1824, Fields, who now styled himself captain general of the Indian tribes in the province of Texas, wrote to "the governor or commandant of San Antonio":

"It was my intention on my return from Mexico to present myself at San Antonio in order that the authorities there might examine the papers which I received from the superior government of the nation. But it was impossible to do this, because a party of Comanches had prepared an ambush on the road. However, I had the good fortune to escape them.

"The superior government has granted to me in this province a territory sufficient for me and that part of the tribe of Indians dependent on me to settle on, and also a commission to command all the Indian tribes and nations that are in the four eastern provinces.

"I pray your honor to notify all the Indians within your territory, and particularly the Lipans, that on the 4th of July next I shall in compliance with the order of the supreme government hold a general council of all the Indian tribes at my house in the *ranchería* of the Cherokees twelve miles west of the Sabine river. At this council I shall propose a treaty of peace to all the Indians who are willing to subject themselves to the orders of the government. In case there should be any who may not wish to ratify what I propose, I shall use force of arms to subdue them.

"I beg you to notify the commandant of San Antonio that he shall, for the satisfaction of his people, send some trusted person to aid in the treaty of peace and see how the affair is managed.

"Should it be convenient, have this letter translated into Spanish and have the authorities to send it to Rio Grande and Monclova in which two places I left copies of the documents from the superior government."¹

The date for the general council mentioned above was changed at first to August 1,² and later to August 20. In the letter informing the alcalde of Nacogdoches of this second change, Fields says, "whereas you and myself are both subjects of the same gov-

¹Bexar Archives. The above is a translation of the Spanish translation retained by the political chief who sent the original in English to the supreme government.

²Richard Fields to Francisco Garcia, May 20, 1824. Bexar Archives.

erment, I think it proper to notefy you to attend said treety for your own sattisfaction that you may see what is done &c.”¹

However, neither the political chief, who was now the principal civil officer in Texas, nor the commandant at San Antonio appears to have made any reply to Fields’s communications. Wholly ignorant of his plans or the instructions under which he proposed to operate, they turned to the authorities of the general government for information and instructions. August 20, the political chief wrote a letter to Alamán, minister of relations, and enclosed Field’s letters of March 6 and May 20. In his letter the political chief had this to say about the council Fields proposed to hold and of the presence of the Cherokees in Texas generally:

“Notwithstanding that the object of the meeting of the chiefs of the Indian tribes, which he [Fields] is planning, may be directed to some legitimate end, we must confess that besides being unbecoming to the government of the Republic that it would add little honor to the splendor of its arms; it might moreover degenerate into an agency for evil which can not now be estimated, or ultimately develop into the treacherous design of that conspiracy² which may already be a result of the seduction that is to be feared if they are permitted to immigrate; or, taking advantage of the decadent and wretched condition of this frontier, they may have persuaded themselves that their power is absolute and intend, therefore, to carry out that treacherous design even though they know nothing of the plot that has been hatched by those of their kind in the interior of the States of this federation.

“For this reason, and in order to protect ourselves against the malignity and perfidy that are engendered in the hostile bosoms of men accustomed to live by robbery and murder,³ it appears to me

¹Fields to Juan Seguin, August 1, 1824. File 935, Nacogdoches Archives.

²Alamán to political chief, June 26, 1824. “El Gobernador del Estado de Guanajuato há participado al S. P. E. que descubierta en San Pedro Piedragorda una conspiracion tramada por los Indios, cuyo objeto es acabar con los blancos, y sus ramificaciones se estienden por varios puntos de la Republica, há logrado aprender algunos de los complicados en ella, y que en las declaraciones que han dado unos de ellos se dice que al frente debia ponerse el Gran Cado [who lived near Caddo Lake in Eastern Texas] en calidad de Gefe Supremo de las armas.” Bexar Archives.

³The political chief doubtless had in mind those traders who fomented the incursions of the Comanches in order to increase the plunder and thus swell their own profits.

that it would be well for the superior government to strengthen its measures for the protection of this frontier with such military force as it may deem competent to quench this and other evils of a similar nature, which till date have disturbed the peace and tranquillity of the States of the Mexican Republic, or else plunge us into an abyss of misfortunes which it will be difficult to remedy afterward."¹

The positive statement Fields made of the rights and powers said to have been granted him by the general government; the active steps he was even then taking to put them into execution; the gloomy picture the political chief painted of the direful results to the Republic that would assuredly follow if Fields were permitted to have his way,—all this, brought directly and unexpectedly to the notice of the same officials from whom Fields had a year before obtained what rights he possessed, was admirably suited to elicit a reply which would be definite and clear-cut in its statement of the rights Fields did or did not have. Within a remarkably short time—September 18th—Alamán made his reply, which reads as follows:

"I have laid before the Supreme Executive Power, the important contents of the official communication of your Honor, dated 20th August last, relative to your apprehensions of incursions of savages, should the Indian Richard Fields the Chief of the Cherokees Tribe, be permitted to penetrate into the interior of those territories; and of the energetic measures, your Honor is making to ascertain the opinions and sentiments of those tribes in particular, with a view to give the earliest information to the Supreme Government.

"Their Highnesses having given the matter the consideration it merits, and having examined all the documents on the subject, which are in this Department under my charge, direct me to say to your Honor, that it does not appear by the documents, that any commission or grant was made to Fields, for in the official note of 27th April of last year, communicated through this Department to the Commander in Chief of the Eastern Internal Provinces, a copy of which I herewith present to your Honor,² nothing is said

¹Blotter for 1824. Bexar Archives. Translation.

²See the document referred to, p. 105 above.

of a new commission, and only that the agreement made by Colonel Trespalacios, was approved provisionally, charging him at the same time, not to permit the Indians to advance to such places as might be considered dangerous, your Honor will strictly conform to the provisions of that order.

"I am also directed to notify your Honor, to prevent (Should there yet be time) the assemblage which Fields is endeavoring to make, and not permit him to exercise any authority; to effect which, the Secretary of War will aid you with such Military force as may be necessary. In the meantime, Their Highnesses hope that your Honor will act with all the prudence the nature of the case and circumstances require, and institute such investigations, as may be deemed expedient, of which you will give due notice."¹

Here, then, we have the claim of both parties stated, not only by the highest authorities on each side, but also by the very persons who have had charge of this matter from the beginning till date. Fields claimed, in the first place, that he had been commissioned to command all the Indian tribes in Texas. He held a council, a report of which in his own words states that, "agreeable to my Directions from government I Cald a treaty with all tribes of indians in this province—the intention of which was to bring them in union one tribe with another—and all to be under trew subordination to our new republican government—all of whome have attended and gladly excepted of the terms offered them, except the Comanchos and Tongkaways—from those two Nations I have received no answer."² Upon those who would not ratify his treaty he pro-

¹*Record of Translations of Empresario Contracts*, 86. Translation by Thomas G. Western.

²Richard Fields to the Governor of Texas, September 1, 1824. *Appendix to Empresario Contracts*, III 265.

posed to wage war.¹ In the second place, Fields claimed that land enough for his own and for his tribe's needs had been granted him. Some idea of the extent of his claim may be had from Antonio Bulfe's² statement; namely, all the territory north of the San Antonio Road between the Trinity and Sabine Rivers.³ It was further stated that he considered himself master of this section, that he sold lands to whom he pleased, and that he threatened to compel those who owned lands within those limits to satisfy his demands or else to get out.⁴ Fields himself, while he expressed his willingness to defend the province and acknowledged his submission to the laws and decrees issued by the Mexican nation, insisted upon the Cherokees' independence of the local authorities.⁵

Lucas Alamán, minister of relations, by direction of the supreme executive power of Mexico, says, "it does not appear by the documents, that any commission or grant was made to Fields." And, moreover, he instructs the political chief "to prevent the assemblage which Fields is endeavoring to make, and not permit him to exercise any authority, to effect which the secretary of war will aid you with such military force as may be necessary."⁶

3. IF NOT BY RIGHT, THEN BY MIGHT.

The clash in the claims made by Fields and by the Mexican government was a fruitful source of trouble, and threatened to involve Texas in an Indian War. Both sides rested their claims on docu-

¹Political chief to the governor, June 8, 1825. Blotter for 1825, in Bexar Archives.

²See note 4, p. 97.

³Alcalde of Nacogdoches to the political chief, September 11, 1824. Bexar Archives.

⁴Ibid. Statement of José Doste.

The political chief forwarded (January 5, 1825) the above statement to the governor with the following note: "podrá inferir V. E. la situacion de esta desgraciada provincia emanado de la falta de guarnicion con que se halla hasta el dia." Blotter for 1824-25. Bexar Archives.

⁵Richard Fields to the commandant of Nacogdoches, April 22, 1825. File 239, Nacogdoches Archives.

⁶See pp. 110, 111, above.

mentary evidence.¹ What kind of documents did Fields possess, and to what extent did they support his pretensions? Some have supposed that he had papers from Iturbide. The short time that Fields was in the city of Mexico during Iturbide's reign, the confusion in political affairs that marked that period, and the fact that Fields remained in the city after Iturbide's overthrow and laid his petition before congress argue strongly against such a supposition. Nor is it necessary. It is very probable that Fields had a copy of the agreement he entered into with Trespalacios, which was provisionally approved by the supreme executive power; and it is possible that he had a copy of the resolution containing the ratification, or a paper to that effect. Besides these, and perhaps a pass, it is impossible to suggest any documents that might properly have been in his possession. These, according to Alamán's construction, do not support his pretensions. Still, as near as can be ascertained, the agreement with Trespalacios, and whatever else may have been said and done at the time it was made, appear to be the source of Fields's claims. Article 5 of that agreement, together with verbal promises that his application would be treated favorably,² form the basis of his claims to land;³ and articles 3, 6, and 7 constitute the basis for at least a part of his pretensions to exercise control over the Indians. Fields could not read those documents, nor could he understand Spanish interpretations of them. He was dependent on interpreters. The points conceded would naturally stick in his memory better than the restrictions. He soon treated as fact what was merely a wish, and announced his efforts successful when they had only made a good beginning.

The very fact that Fields's claims rested upon such slender

¹For Fields's references to documents, see beginning and end of his letter of March 6, 1824, quoted above, his letter to the commandant of Nacogdoches, April 22, 1825, referred to in note 5, p. 112, and his letter to the political chief, dated March 20, 1826, quoted on p. 125 below. For the Mexican references, see Alamán's letter of September 18, 1824, quoted above, and the letter from the political chief to Richard Fields, May 3, 1826, quoted on p. 126 below.

²Foote, *Texas and the Texans*, I 240.

³Ricardo Fields "dice que el Gobierno habia prometido tierras para su pueblo." S. F. Austin to the political chief, September 8, 1825. Bexar Archives.

authority and could, therefore, at least in theory, be swept away by a stroke of the pen by Alamán, engages one's sympathy for the Indians, who apparently did the best they knew how. Some writers have inferred that "the Mexican Government had, in truth, never designed to make the proposed grant; but, in order to get rid of further importunities from Fields, and to conciliate the Cherokee Chief, had been willing to amuse him with vague and deceitful promises,"¹ with which it might dispense "whenever it might be deemed convenient to do so."² This, however, is an extreme view; for, if this was intended, the government defeated its own ends when it transferred the right to grant lands to the different States. It is an error to attribute perfidious intent to the government at this time. When it put off the Cherokees, it did so for the same reason that it put off Green De Witt, Leftwich and Edwards—all of whom obtained lands without any trouble from the State of Coahuila and Texas.³ But well meant as the postponement of Fields's business may have been, the delay worked such great damage to the interest of the Cherokees that nothing short of a clear title to the lands they occupied could have remedied matters.

The changes that in the meantime had been going on in eastern Texas as well as at the State capital were bringing the question of the Cherokee land claims to a crisis independent of the action of the general government. The old settlers of the Nacogdoches vicinity, who had been swept out of the province by the troubles of 1819, were gradually returning.⁴ A considerable body of Anglo-Americans was settling between the Sabine and the Attoyac rivers and

¹Foote, *Texas and the Texans*, I 240.

²Bancroft, *North American States and Texas*, II 104.

³As a matter of fact the Mexican government did make a grant of land, not to be held *in common*, however, to the Shawnee Indians, April 16, 1825. These Indians had no more claim upon the good will of the government than the Cherokees, except that they presented their petition *after* the passage of the general colonization law. The State could not make the grant because the land asked for was located within the border leagues; but from the proceedings it appears that the State would have received them, had they desired to settle elsewhere within its limits. *Record of Translations of Empresario Contracts*, 79-84. General Land Office.

⁴Lester G. Bugbee, *The Texas Frontier, 1820-1825*, in *Publications of Southern History Association*, IV 102-121.

around Nacogdoches, without let or hindrance from the authorities.¹ A number of the settlers that had been attracted by the offers of Austin's advertisements for colonists, during the latter's absence of eighteen months in the city of Mexico, stopped short of their destination and located in eastern Texas.² And the passage of the colonization laws added momentum to the movement already begun.

The general colonization law was passed August 18, 1824. It granted to the States the right to make regulations for the distribution of the public lands within their boundaries. The States were directed "as speedily as possible [to] frame laws or regulations for the colonization of those lands which appertain to them."³ Nothing more liberal could have been desired by the States, and that of Coahuila and Texas showed its appreciation by promulgating a colonization law (March 24, 1825) two years before a State constitution was adopted. Even before the law was promulgated, petitions for permits to introduce colonists were sent to congress; and after the passage of the law, all were granted. The congress of Coahuila and Texas appears to have been so "desirous of augmenting by all possible means the population of its territory, of encouraging the cultivation of its fertile lands, the raising of stock, and the progress of arts and commerce,"⁴ that, before a month elapsed after the passage of the colonization law, five contracts had been approved, authorizing the introduction of a total of three thousand families. "Thus the year of 1825 was the year of emigration for Texas. It was an impulse of the Anglo-Saxon race crowding westward."⁵

The Cherokees, coming into eastern Texas in 1819-20, found few whites, and still fewer Americans. To make sure of their possessions, even at that time they had taken steps to obtain a title to their lands. Matters, however, had dragged on for reasons beyond the interest and comprehension of the Cherokees until 1825, and

¹Lester G. Bugbee, *The Texas Frontier, 1820-1825*, in *Publications of Southern History Association*, IV 102-121.

²S. F. Austin to the settlers in what is called "Austin's Colony," in Texas, November 1, 1829. Gammel, *Laws of Texas*, I 17.

³General Colonization Law, Article 3. *Ibid.*, I 97.

⁴Preamble of the colonization law of Coahuila and Texas. *Ibid.*, I 99.

⁵Yoakum, *History of Texas*, I 234.

yet they were not secure in the possession of their lands. Once more they saw the dreaded Anglo-American gaining a foothold at their very doors and with each passing month growing more numerous and more powerful. On the same day—April 15, 1825—the State of Coahuila and Texas granted three contracts that together provided for the settlement of two thousand families; Leftwich was to settle 800 west of the Cherokee claim, Frost Thorn 400 north of their villages, and Edwards, whose acquaintance Fields had formed while they were both on the same business in the City of Mexico,¹ was authorized to settle 800 within a district including the land claimed and occupied by these Indians. The Cherokees knew from experience what the result of a contest with the American pioneer for land would be. It is true the State colonization law provided for granting lands to such Indians as the Cherokees,² but before they were aware that any such law had been passed the above contracts had been made. Abstract justice, perhaps, demands that they ought to have had first choice of the lands they occupied; but the acquisition of land grants assumed the nature of a business transaction, and in such it was inevitable that the Anglo-Saxon should win. The experience Fields had had with the general government, the coming in of the Anglo-Americans, and the disregard of his claims, most probably, through ignorance of their existence by the State government, angered him, and he began planning to defend his rights if not to avenge his injuries.

The first news of the discontent of the Cherokees was brought to San Antonio by some residents of that place on their return from Nacogdoches, August 31, 1825.³ A week later Colonel Austin heard of Fields's plans and immediately reported his information to the political chief.⁴ "Fields is secretly making great efforts to

¹Samuel Norris to J. A. Saucedo, September 5, 1826. File 207, Nacogdoches Archives.

²State Colonization Law, Article 19.

³*Informacion Sumaria sobre reunion de las Tribus Comanche, Tahuacana, Tahuayas, Huecos y otros para hostilizar estos pueblos. Jusgado 1° de Bejar.* Bexar Archives.

⁴S. F. Austin to the political chief, September 8, 1825. Bexar Archives. Translation.

unite all the Indian tribes of Texas in a confederation to destroy the new settlements, giving for his reasons [1] that if said settlements grow considerably the government can use their militia either to compel the Indians to obey the laws or to destroy them, and [2] that the occupation of the country by the settlers will result in the destruction of the game and the Indians will starve to death." Although he can not vouch for the truth of this report, Austin asserts that Fields's conduct of late has been very suspicious. Yet he says, "I do not believe that Fields wants war, but he is discontented; he says that the government had promised him lands for his people, and now he has learned that the land where he lives has been turned over to Edwards for colonization."¹ Austin thinks that Fields could easily be appeased by giving him lands.

The news of Fields's disaffection created considerable alarm among the officials at San Antonio. Rumors of a great combination of Comanches, Tehuacanas, Tahuayases, and Wacos for the purpose of attacking San Antonio and the new settlements had been afloat for some time.² It was not so much the increase of numbers³ that the Cherokees and their allies would give this combina-

"I am creditably informed that these latter Indians [the Cherokees] are very much dissatisfied that their country has been given to the American Empresarios to be settled." S. F. Austin's Address to the Colonists, September 28, 1825. Austin Papers.

The first step Edwards took preparatory to the bringing in of his colonists served, if anything, to anger the Cherokees still more. In his proclamation, October 25, 1825, Edwards stated "that whatsoever families or person residing within the bounds of said territory [his grant,] and all those who pretend to hold claims to any parts of the land or lands of said territory shall immediately present themselves and exhibit their titles and documents, if they have any, in order that they may be approved or rejected according to law; and if they do not do this said lands shall be sold without further question." Bexar Archives. Translation.

²These Indians were continually committing depredations; but this time rumor had it they intended to make a clean sweep wherever they went. See the correspondence between the political chief and the governor from August 1 to the end of November, 1825.

³The Cherokees now numbered 160 warriors. Arciniega's *Diario*, March 19, 1826. *Appendix to Empresario Contracts*, III 273. General Land Office.

tion, as the superior courage and leadership¹ that the enemy would thus acquire, that was feared most. The political chief forwarded Austin's letter to the governor, with a note in which he said it was absolutely necessary that a considerable detachment of troops be stationed permanently at Nacogdoches to keep in check those Indians and "particularly the Cherokees; for the various accounts of the conduct of their chief Richard Fields that I have received since 1824 have not won my confidence."² The governor forwarded this information to the president of the Republic, ordered the political chief to have the militia of the department in constant readiness,³ but said not a word about granting lands to Fields. In his letter to the secretary of war, he said: "Force is the only means to bring the Indians to terms when they take up arms against us, but in view of the primitive state of their civilization and the conduct observed hitherto by the greater part of the indigenous tribes of eastern Texas, it would be well before sending any troops against the Cherokees to commission a person possessing the entire confidence of the commander of Texas, with secret instructions touching this matter, to visit said Richard Fields to try to ascertain the existence of the plot alluded to."⁴ Miguel Arciniega was appointed as this *emisario secreto*.⁵ He left San Antonio February 2, and reached the Cherokee village March 19, 1826!⁶ This is the sum total of the Mexican measures for defending the settlements and appeasing Fields. Verily, Austin spoke the truth when,

¹Speaking of the disaffection of the Cherokees at a later date, S. F. Austin said: "it would be very unfortunate, for 100 Cherokees are of more account as warriors than 500 Comanches." File 198, Nacogdoches Archives.

²Political chief to the governor, October 2, 1825. Blotter for 1825, in Bexar Archives. Translation.

³Governor to political chief, November 1, 1825. Bexar Archives.

⁴Governor to secretary of war and navy, November 14, 1825. *Empresario Contracts*, 147-149. Translation.

⁵Governor to political chief, December 27, 1825. *Empresario Contracts*, 143-145.

⁶Arciniega's *Diario*. *Appendix to Empresario Contracts*, III 273.

in an address to his colonists while these Indian attacks were threatening, he said: "No aid whatever may be expected from the Government. If we get into a war, we must get through it the best way we can, without expecting aid from any quarter."¹

The credit for detaching Fields from his alliance, which at best was very loose, with the Comanches, Tehuacanas, and Wacos, for turning him from his plans of resistance and for inducing him to renew his efforts to obtain lands peacefully, belongs to a few individuals who had the interests of either the Cherokees or Texas or both at heart. It is probable that Austin used his influence with Fields, although there is no record of it. John G. Purnell wrote to Fields from Saltillo, exhorting him as follows: "When last I saw you in my house in Monterey, I little thought in so short a time you would have commenced a war against your American brothers and the Mexican Nation; more particularly a man like yourself who is acquainted with the advantages of civilization. . . . If your claims for lands were not granted at a time when the government was not firmly established that should not be a cause of war. Ask and it will be given to you; this nation has always felt friendly inclined toward yours, and I am sure if you cease hostilities they will enter into a treaty with you by which you will obtain more permanent advantages than you can by being at war."² . . . F. Durey, also of Saltillo, wrote to Francis Grapp, a well-known Indian trader at Natchitoches:

"Knowing the weight of your influence with all the savage nations and also the ascendancy that you have over the character of Mr. Feels, your son-in-law, I think that no one could stop better than yourself the great disturbance which is about to be raised by the Indians, whom you understand better than I. I say that you can distinguish yourself for the welfare of humanity in general in making the savages understand the evils which await them in following the plans of Mr. Feels, and likewise in causing Mr. Feels to be spoken to by his brother, who can prevail upon him [*le determiner*] to adandon a plan which will have no other end than that

¹Austin's address to his colonists, September 28, 1825. Austin Papers.

²John G. Purnell to "Captain Richard Fields, Commander of the Cherokees in Texas," October 4, 1825. Austin Papers.

of destroying himself and all those who shall have the misfortune to follow him."¹

More important still was the influence of John Dunn Hunter. It was this man who virtually gave a new turn to the affairs of the Cherokees, and he will, therefore, come in for a considerable share of attention in the next section.

4. FURTHER ATTEMPTS TO OBTAIN LAND.

Hunter's Plans and His Visit to Mexico.—John Dunn Hunter was a man with a most remarkable career. Of white parentage, he was reared by the Indians, educated along the Mississippi river, wrote a book in New York City, was lionized in London, came to Texas to civilize the Indians, and lost his life in an uprising against the Mexican authorities. Wherever he appeared he attracted attention.² While in England Hunter had excited great interest in a project for civilizing the Indians, which he held up as the object to which he intended to devote his life.³ In the additional section appended to the third English edition of his book,⁴ he states his plan as follows:

¹F. Durey to Frans. Grapp, Nov. 10, 1825. Austin Papers. Translation by Dr. George P. Garrison.

²For a sketch of Hunter's life, see Bancroft, *North Mexican States and Texas*, II 103, note 9, the references there cited; the *Cincinnati Literary Gazette*, January 1 and 10, 1824; the *Monthly* (London) *Review*, November and December 1823; the *New York Review*, May 1826; Redding, *Personal Reminiscences of Eminent Men*, III 42-55; and Allibone, *Dictionary of Authors*, I 923. A sketch of Hunter's life, based upon the account of it in his book, was reprinted in a somewhat abbreviated form in the *Indian Sketch Book*. Cincinnati, 1852.

³Statement of one who knew Hunter. Foote, *Texas and the Texans*, I 243.

⁴Touching the authenticity of Hunter's book, about which some questions had been raised, a writer in Blackwood's Edinburgh Magazine for December, 1824, XVI 639, says, "We have no reason to doubt on the subject. We have heard him talk better than that book is written, and have seen him write better. The MS. was corrected—not written—by a New Yorker. In a late edition, Mr. Hunter has added a few pages, which we know to be his." These "few pages" contain the plan given below, which is not found in any of the earlier editions of his book. The private collection of Mr. Edward E. Ayer, of Chicago, contains a MS. copy of Hunter's "Reflections" setting forth this plan, and presumably, at least in part, in the handwriting of the author.

"My plan to extend the benefits of civil life to the Indians is to settle in the vicinity of the Quapaws.¹ . . . They have not yet assumed the habits of civilized life; their country yet abounds in game, but it is fast disappearing before the ravages of the white man. I own a tract of land near them. I wish to let them see my improvements, my comfortable house, my rich meadows, my full barn, my fine stock; in short, every comfort which industry seconded by art can afford. Invite them frequently to see me; show them my independence; let them see that I do not have to run after the game, and expose my health in the wet and cold and my life and my liberty to my enemies. This will appeal to his pride and his honor, on which points they are extremely sensitive; emulation would be the consequence for they hate to be outdone.

"I would not wholly abandon their habits; I would frequently amuse myself at shooting, especially when they called to see me: they think it a great mark of worth to excel in the use of the rifle. I would indulge in many of their rural sports; I would use the pipe as the sign of hospitality; I have experienced it, and I know the habits which are hardest to part with or adopt, on entering the civilized life.

"The Indian, as well as the white man, clings with ardor to early habits, and commonly resigns them at the expense of his peace; but examples can do much, when we are in earnest and feel what we are about. The great object will be to convert the rambler over the forest to a domestic character. Nature has given him a soul which disdains the chains of tyranny; convert his independence from the ardor of war to the cultivation of peace with mankind. Nature has taught his bosom to glow with the flame of love to the softer sex; let domestic education turn the ardor into kindness and attention, to an attention which shall elevate his burthened squaw to his equal in society, to a companion of his toils and partner of his joys. Nature has kindled the fires of parental solicitude in his breast; let him teach his children industry, duty to their mother, and all the innocent sports and amusements of life.

"It is easy to conceive what would be the result; the Indian wig-

¹"He [Hunter], will soon revisit the great mother of waters, the Mississippi, and will carry with him the best wishes of all who have known him for his personal prosperity, as well as for the success of his favorite project." *Monthly* (London) *Review*, December, 1823, 381.

wam would be soon supplied by a lasting dwelling, and the bountiful fruits of the field supply the exertions of the chase. The roaming tenant of the woods would soon be the ornament of civil society. I have no assistant to accompany me with my designs, though I have many friends in my country; I have much to perform, and but little beyond personal exertion with which to accomplish it. The object alone is of sufficient importance to call forth all the exertions of an individual who feels a lively regard for everything which concerns their happiness."¹

Hunter left England for America in the summer of 1824, and for nearly a year nothing of his movements is known. It may be, as Bancroft implies,² that he went immediately to live with the Cherokees in Texas; but it is more probable that he did not join these Indians until some time in the summer of 1825.³ What induced him to abandon his original intention of settling on his own land near the Quapaws in Arkansas, and to cast his lot with the Cherokees in Texas, we are left to conjecture.⁴ After joining the Cherokees, he soon acquired great influence among them.

About the time of Hunter's arrival in Texas the Cherokee land question had reached a crisis; it was in connection with this question that he came to the front. We have seen that Fields tried to obtain lands peaceably from the Mexican government; how he failed; and was now on the point of using force to make good his claims. To Hunter, however, the solution of the question appeared to lie in a different direction. Personally averse to war, he thought it idle with their small number of warriors and uncertain allies to resort to force; finding in all that had been done by the Mexican government no absolute refusal to grant land, he counseled culti-

¹John D. Hunter, *Memoirs of a Captivity Among the Indians of North America, from Childhood to the Age of Nineteen* (The Third Edition with additions), 460-462.

²Bancroft, *North Mexican States and Texas*, II 104, note 9.

³Foote, *Texas and the Texans*, I 240.

⁴The Quapaws ceded all their lands in Arkansas to the United States by a treaty made November 15, 1824, about the time of Hunter's return from England. English influence, too, may have induced him to select the border between Mexico and the United States for his experiments.

vation of friendship with the local authorities and a renewal of the efforts to obtain land; and, possessing confidence in his own abilities, he was willing himself to undertake to secure the long sought titles to their lands. Hunter may have used other arguments; he may have unfolded to the Indians the plans that he laid before the Mexican authorities. Whatever was done, he was sent to the city of Mexico,¹ where he arrived March 19,² 1826,—the same day that Miguel Arciniega, the secret agent, arrived at the Cherokee Village.

“Hunter’s object in visiting Mexico, (in as far as I could ascertain it,)” says Mr. Ward, British *chargé d’affaires* in Mexico during the years 1825, 1826, and part of 1827, “was to induce the government to assign a portion of the vacant lands in Coahuila and Texas, to some numerous tribes of Indians, mustering in all nearly 20,000 warriors, who had been driven from their hunting lands on the Missouri and Mississippi, by the rapid spread of the population from the Anglo-American Eastern States. Retiring across the vast prairies of Louisiana, and pursued step by step by that civilization, before which they fled, they entreated Mexico to grant them lands which they might call their own; and offered, if allowed to settle upon the southern banks of the Colorado [Red River] and Sabina, to take the oath of allegiance to the government, to embrace the Catholic religion, to devote themselves to agricultural labor, and to defend the frontier against all encroachments.

“This favorable opportunity of acquiring a valuable addition to the population of the country was lost by that dilatory spirit, which, both in Spain and its dependencies, has been the source of so many evils. Hunter left Mexico without having received any positive answer to his demands.”³

¹It is difficult to see why Hunter went to the City of Mexico, when he must have known that the power to grant lands rested with the State, or why he did not apply to the State authorities for land on his return from Mexico without a grant.

²Yoakum (*History of Texas*, I 237), quotes Bean’s MS. notes for this date.

³Ward, *Mexico in 1827*, II 587-589. Cf. letter from the political chief to the vice governor, dated October 30, 1826, in which is repeated the substance of this plan, gathered from some source in Texas.

It would be very interesting to know what were the relations between

In following the movements of Hunter to the city of Mexico on his mission to obtain lands, we have reached the middle of the year 1826. It will now be necessary to return to the beginning of the year and briefly review (1) the conduct of the Cherokees up to the time of Hunter's return, and (2) the emigration of Indians from the United States to Texas.

Fields's Conduct During Hunter's Visit to Mexico.—On December 31, 1825, the alcalde of Nacogdoches informed the political chief that Fields with five of the chief men of his tribe had visited him to assure him of their friendship, and to notify him that five thousand families of the Shawnees were on their way to Texas to settle on the lands granted them by the government.¹ The latter part of this communication called the attention of the authorities to a new source of trouble, but the first part was hailed with great joy. To put a finishing touch to their gladness, Fields

this Mr. Ward, J. D. Hunter, and General Arthur Wavell. The three appear to have had a perfect understanding on one thing; namely, that Anglo-American emigration to Texas must be checked, else Indian, English, and Mexican interests would suffer. Thus Mr. Ward, commenting on the advantages of Texas (p. 585), of which State Gen. Wavell had furnished him a description, deploras the fact that the Americans are eager to seize these advantages and that Mexico is liberal in giving them grants (p. 586). He foresees that "the incorporation of Texas with the Anglo-American States" is not at all improbable, but certain "unless the Mexican government should succeed in checking the tide of emigration and in interposing a mass of population of a different character" between Texas and the United States (p. 587). He says Hunter's plan proposed to effect this; he regrets that this plan was not adopted; and hopes that the Fredonian affair (p. 589) has taught the Mexicans a lesson: for "I may be permitted, as an Englishman, to observe that it cannot suit our interests to see their line of coast extended as far south as the Rio Bravo del Norte." (p. 590).

General Wavell, also an Englishman, obtained permission from the general government to settle several hundred English colonists within the border leagues south of the Red River "in order to bar the advance of the Anglo-Americans to the Southwest" (Foote, *Texas and the Texans*, II 114, note). He spent several months in Texas during the summer of 1826 (*Ibid.*, 223, and letter of political chief to alcalde of Nacogdoches, June 12, 1826).

¹Political chief to the alcalde of Nacogdoches, February 2, 1826, and to the governor, February 19, 1826. Blotter for 1826, in Bexar Archives.

produced¹ a letter nearly a year old—dated April 22, 1825²—showing that he had been their friend and ally all the time.³

When, therefore, Miguel Arciniega, the secret emissary who was to put an end to the hostilities of the Indians, arrived in eastern Texas about the middle of March, 1826, none but the most favorable reports could he gather.⁴ Fields entertained him at his own house, and utilized the occasion to assure him of the loyalty and good will of the Cherokees toward the Mexican government, and to write, March 20, the following letter to the political chief:

“Don Miguel Arciniega, who told me that he is a resident of Bexar, arrived at my village yesterday, and this affords me an opportunity to inform you of my commission as *Capitan Urbano* which the S. E. P. of Mexico granted to me when I was in that city, as well as to offer you the services of all my people who are under my command and who are waiting only for an opportunity to show the gratitude which I and all my people have toward the Mexican nation . . .

“Don Miguel Arciniega informed me that the Comanches and others adjoining them are making war on S. Antonio and other towns of the interior. Should our government decide to wage war on these faithless savages, I hope you will have the kindness to send me a courier in order that with all my people I may go to unite with the Mexican troops and destroy this restless people who commit so many acts of hostility.

¹Alcalde of Nacogdoches to the political chief, January 5, 1826 (Bexar Archives); political chief to alcalde of Nacogdoches, February 14, 1826. (Blotter for 1826, in Bexar Archives.)

²File 239, Nacogdoches Archives.

³The news of Fields's friendliness was sent up the line until it reached the president of the Republic, and all expressed unusual satisfaction. Political chief to the commander of Texas, February 17, 1826, and to the governor, February 19, 1826 (both in Blotter for 1826); congress of Coahuila and Texas through the vice governor to the political chief, March 25, 1826; secretary of war through vice governor to political chief, April 8, 1826. All in Bexar Archives.

⁴Arciniega's *Diario* and letter of transmittal to the commander of Texas, March 23, 1826 (*Appendix to Empresario Contracts*, III 268-274); political chief to the commander of Texas April 13, 1826, and to the vice governor, April 15, 1826 (both in blotter for 1826); Arciniega to commander of Texas, May 15, 1826 (Bexar Archives).

"I have positive information that there have crossed Red River about eight thousand souls of different nations who come to settle and who are of those whom the government of the State of Coahuila and Texas permitted me, should they arrive, to locate on these lands; and they have directed me to inquire whether they, too, will be permitted to make war on the Comanches. . . .

"My people have lived very peaceably up to this time, and only the Caddos, Nacogdoches, and Tejas, I have learned, have been invited by the Comanches and Tahuayases to hold a council in the new town of the Tahuayases. I have not been able to discover what the object of this meeting is: I will only say that the Caddoes, Nacogdoches, and Tejas are not on friendly terms with my people, certainly through jealousy that we are settled near their lands. I wish that the government tell me what I must do with these nations, and especially with the clandestine trade which some traders are carrying on with the United States; and I wait only for an order from the government of the State of Coahuila and Texas to be authorized to arrest them and to stop this traffic which causes so much harm."¹

To this remarkable composition of bitter and sweet the political chief made two reports—one to Fields, the other to the governor. He called the latter's attention particularly to the immigration of Indians.² In his letter to Fields he expressed his pleasure on hearing of the friendly disposition of the Cherokees and their willingness to aid the government; told him that he had referred the points touching the discontent of the Caddoes and the illicit trade to the State authorities; and concluded with this important statement: "Since neither in the Archives of the Department nor in those of the Secretary of State are found proofs of the permit, that you obtained from the S. E. P. of the Nation, to emigrate to this country, it is necessary, in order that you may remain in quiet possession and not be disturbed by any one, that you send me copies of

¹File 221, Nacogdoches Archives. Translation.

²Political chief to vice governor April 15, 1826 (Blotter for 1826); vice governor to political chief, May 6, 1826; secretary of war through vice governor to political chief, June 5, 1826. All in Bexar Archives.

all your papers so that I can submit them to the proper authorities of the State for approval.”¹

If anything could bring to light the papers Fields claimed to have, this reasonable and direct request would appear to have been the thing to do it. But not so; nearly four months later, James Kerr, writing from San Antonio, says: “I have mentioned to the Chief the propriety of inviting [*sic*] Fields to participate in the war against the hostile Indians; he said that he had written to him to come here and to bring his title papers to land if he had any with a view assertane the strength of his Coline [colony], and to make some arrangements with him in assisting us Defend the frontiers. He requested me to write Fields on the subject by the first opportunity and urge him to come on.”²

In his letter of March 20, Fields volunteered his aid in case a war should be undertaken against the Comanches and their allies. These Indians had been threatening a combined attack since the fall of the previous year. In the spring of 1826 Austin was ordered³ by the commander of Texas to attack the Wacos, Tehuacanas, and “Towcaps.” Without consulting his superiors Austin took advantage of Fields’s offer, and accordingly called upon the Cherokees to co-operate with his colonists by attacking the Tehuacana villages on the head of the “Navisot” at daybreak of May 25. “My friends,” he says at the close of his letter, “I have informed you of my plans. I have placed great confidence in you, for you are the only persons out of this Colony that I have called on for aid. I am the friend of the Cherokees and wish to give them an opportunity of showing the Government what good Indians and faithful citizens they will make, and I have no doubt if you turn out in this expedition and destroy the Towakany villages on the head of the Navisot, that it will be the means of securing you land in the country

¹Political chief to Richard Fields, May 3, 1826. Blotter for 1826, in Bexar Archives. Translation.

²James Kerr to S. F. Austin, August 23, 1826. Austin Papers.

³Mateo Ahumada to S. F. Austin, April 10, 1826. Bexar Archives.

for as many of your nation as wish to remove here."¹ May 3, the courier whom Austin had sent to the Cherokees returned with a letter from Fields and Bowles, stating that they were willing to join the expedition and to aid the colonists if commanded to do so by the government, but that the high water in the Neches, the Trinity, and the creeks of that section generally, and the backwardness of their crops made it impossible for them to come at once.²

The commander of Texas issued an order, May 4, postponing the proposed attack.³ Austin reported to the commander what he had done, at the same time mentioning his intended employment of the Cherokees.⁴ To the latter the commander, Mateo Ahumada, replied: "In my opinion there is no need of our employing the Cherokees and other peaceable Indians for the purpose you propose; because, it is best that all the Indians should believe that we are not in need of them at all and that we excel them in war."⁵

There may have been other considerations besides those mentioned by the commander that made it inadvisable to employ the Cherokees at this time. The political chief had just (May 3) called on Fields for copies of his papers, and he may have advised against their employment until their exact status in the department had been ascertained. At any rate, a few months later when Fields asked for permission to make war on these same Indians because they had killed some of his men,⁶ the political chief granted his

¹S. F. Austin to "Richard Fields and other Chiefs and Warriors of the Cherokee Nation living in Texas." April 24, 1826. Blotter in Austin Papers. The interlineations and changes made in the original draft of this letter show that Austin knew he was dealing with a delicate subject, and that he wished to secure the aid of the Cherokees without putting the government under specific obligations to them.

²S. F. Austin to Mateo Ahumada, May 18, 1826. Bexar Archives.

³Commander of Texas to S. F. Austin, May 4, 1826 (Bexar Archives); S. F. Austin to Richard Fields, May 8, 1826 (Austin Papers).

⁴S. F. Austin to commander of Texas, April 30, 1826. Bexar Archives.

⁵Commander of Texas to S. F. Austin, May 18, 1826. Bexar Archives. Translation.

⁶Richard Fields to Samuel Norris, August 26, and to S. F. Austin, August 27, 1826. Files 209 and 197, Nacogdoches Archives.

request notwithstanding the fact that he had no authority to do so.¹ He justified his act by saying that he could no longer bear to hear of the unchecked insolence of those tribes, and he thought this a good opportunity to get even with them, as the Cherokees intended to wreak vengeance on them for personal injuries. Besides it would be a war between Indians only, and he feared Fields would go anyhow if he did not grant his request.² He, therefore, directed the alcalde of Nacogdoches immediately to inform the Cherokees of his consent and to urge them to wage the war with might and main.³ The alcalde delivered the message October 2. The Cherokees appear only to have waited for the political chief's decision, and in his reply the alcalde expressed the opinion that the war would begin at once.⁴ He was badly mistaken in this, however, for on the same day he reported the presence of Hunter at the Cherokee village, and what that meant we shall see presently.

Immigration of Indians From the United States.—A movement during the year 1826 that deserves to be especially noted is the emigration of Indians from the United States to Texas. We have already seen that the Cherokees came in 1819-20. Some Delawares crossed the Sabine in 1820.⁵ A large party of Shawnees entered in 1822, and settled on the south side of Red River near Pecan Point.⁶ In 1824 these Shawnees petitioned the State authorities for land—an English square mile for each family; provided, that the grant be so formulated that not only the two hun-

¹Political chief to the vice governor, September 17, 1826. Blotter for 1826, in Bexar Archives.

²Political chief to the vice governor, October 1, 1826. Blotter for 1826, in Bexar Archives.

³Political chief to the alcalde of Nacogdoches, September 20, 1826. Blotter for 1826, in Bexar Archives.

⁴Samuel Norris to the political chief, October 3, 1826. Bexar Archives.

⁵Dewees's Letters, 22.

⁶*Representation of the Shawnees to the Congress of Coahuila and Texas*, December 17, 1824. *Record of Translations of Empresario Contracts*, 81.

dred and seventy warriors already within Texas should receive land, but also "their friends and allies who might follow them." Should this be done, "they are induced to hope that several thousand will join them."¹ The Congress of the State and the president of the Republic acted favorably on their petition; "provided they conform to the constitution and laws of the nation and that they themselves do not form a separate body as a nation with authorities of their own, but remain obedient to the State."² Nothing was said about numbers. Other tribes may have come in between 1820 and 1826, but no mention is made of them; certain it is that immigration was not so important as it became in 1826.

Contemporary events in the United States doubtless did a good deal to facilitate this movement, but of chief interest in this connection is the part Fields played. Bearing in mind Hunter's plan for making an Indian country, it seems that the emigration of those Indians is in line to fulfill that plan; an effort on the part of Fields to furnish the Indians for the lands that Hunter had undertaken to secure. That Fields thoroughly identified himself with the movement is clearly proved by numerous statements of his own. Reference was previously made to the fact that on December 31, 1825, Fields notified the alcalde of Nacogdoches "that the Shawnees had sent a runner to report that there were five thousand families on the road who intended to settle on the lands of this department." Again in his letter to the political chief, dated March 20, 1826, he said: "I have positive information that about eight thousand souls of different tribes have crossed the Red River." Arciniega quotes Fields as saying "that these [eight thousand] are a part of nine nations which have the permission of the State government to settle on the lands that this government is to designate." And on May 30, the alcalde of Nacogdoches learned from the chief of the Nadacos that twelve tribes, four of them large ones, were about to emigrate to Texas.³ Undoubtedly all these numbers are exaggerated; the actual number that emigrated is not known;

¹*Petition of the Shawnees*, October 10, 1824. *Record of Translations of Empresario Contracts*, 79.

²Alamán to the governor of Coahuila and Texas, April 16, 1825. *Ibid.*, 83.

³Political chief to the commander of Texas, July 8, 1826. Bexar Archives.

but the fact remains that there was a large increase of the Indian population of eastern Texas, drawn chiefly from among the former friends and allies of the Cherokees, through the efforts and influence of Fields.

"In reply to your request for information concerning the emigration of savage Indians from the Republic of the North to the Republic of Mexico," wrote Benjamin R. Milam to the commander of the department of Texas, May 1, 1827, "I must say that on the 23rd of November last I arrived at the Red River of Natchitoches near Pecan Point. . . . On my arrival I found the white inhabitants of that part of the country, residents in the vicinity of Pecan Point, greatly frightened by the immigration of a considerable number of Northern Indians to the south side of said River into the territory of this Republic. Their numbers are increasing daily from some unknown cause. . . .

"I had an interview with the chiefs of the different tribes and told them that they ought not to settle without the permission of the Mexican government. They replied that Richard Fields had summoned them, saying that he was vested with full powers to distribute the vacant lands of this country." . . .¹

The officials at Nacogdoches and at San Antonio did not fail to appreciate the dangerous character of this large semi-civilized Indian population. They saw clearly that it added material of the most inflammable nature to a section of country whose inhabitants were already beyond the control of the authorities. They pointed out to the superior officials that the emigrant Indians incurred the hostility of the indigenous tribes by occupying their lands,² and that where this was not the case the former attempted to subject the latter to their authority.³ They showed how easy it would be for bad men to gain influence over these Indians, to incite them against the government, and to unite them with the foreigners in

¹B. R. Milam to Mateo Ahumada, May 1, 1827. *Appendix to Empresario Contracts*, III 16. Translation.

²Commander of Texas to the commander of Coahuila, July 9, 1826. Bexar Archives.

³Political chief to vice governor, July 9, 1826. Blotter for 1826, in Bexar Archives.

resisting and defying the laws.¹ They reiterated the absolute necessity of stationing a sufficient number of troops at Nacogdoches to compel the Indians to settle where they would be least dangerous, to make them obey the laws and respect the government from the very beginning, and to maintain good order and suppress at the outset any disturbance they might raise either alone or in union with the white emigrants and thus to preserve the integrity of the territory.² All their petitions, however, fell on deaf ears until Don Bernardo Gutierrez de Lara,³ commandant of the Eastern Internal States, was removed and the energetic Anastasio Bustamante put in his place. He reached headquarters about the end of August,⁴ and immediately promised the troops asked for,⁵ but before they could reach Texas the mischief had begun.

¹Political chief to the commander of Texas, August 6, 1826. Blotter for 1826, in Bexar Archives.

²Political chief to vice governor, April 15, 1826 (Blotter for 1826, in Bexar Archives.) The chief asks that troops be stationed at Nacogdoches. In his letter to political chief, May 6, 1826 (Bexar Archives), the vice governor says he laid the matter before the general government. The secretary of war, writing through the vice governor to the political chief, June 5, 1826 (the letter being preserved in the Bexar Archives), says the matter has been referred to the commandant of the Eastern Internal States. Commander of Texas to political chief, June 11, and to commander of Coahuila, July 9, 1826, two letters (Bexar Archives); political chief to vice governor, July 9, 1826, two letters (Blotter for 1826, in Bexar Archives); vice governor to political chief, July 29, 1826 (*Record of Translations of Empresario Contracts*, 88); political chief to commander of Texas, and to vice governor, August 6, 1826 (Blotter for 1826, in Bexar Archives); vice governor to political chief August 22, 1826 (*Record of Translations of Empresario Contracts*, 89. General Land Office.)

³"In the first place Bernardo Guterres has been removed from office and yr. friend Genl. Anastacio Bustamente appointed in his place. The Government is very much displeased at the conduct of Gutierres: he has deceived them at every point relative to the state of Indian affairs in this Department. The Government had made sufficient appropriations to carry on the Indian War with energy but it appears he applied the appropriations of the Government to his own private use, and represented to the Government that the Campaign was proceeding with all possible vigor."—James Austin, San Antonio, to S. F. Austin, August 23, 1826. Austin Papers.

⁴Filisola, *Memorias*, etc., I 127.

⁵Political chief to the alcalde of Nacogdoches, August 23, 1826. Blotter for 1826, in Bexar Archives.

The Results of Hunter's Trip.—The exact date of Hunter's return from his unsuccessful mission to the city of Mexico not being known, it is sufficient for our purpose to note the first sign of the effects the report of his failure produced. News of the hostility of the Cherokees began to spread about the beginning of September.¹ "There is reason to fear," says Austin, "that the delay of the measures concerning the peaceable tribes has disgusted them; and should this be the case it would be a misfortune, for 100 of the Cherokees are worth more as warriors than 500 Comanches."²

A council of the Cherokees was called, and the assembled warriors addressed by Fields and Hunter. The following speech, said to have been delivered by Fields a short time afterward, may safely be taken as an index to the sentiments he expressed on this occasion:

"In my old Days I travilid 2000 Miles to the City of Mexico to Beg some lands to setel a Poor orfan tribe of Red Peopel that looked up to me for Protasion[.] I was Promised lands for them after staying one year in Mexico and spending all I had[.] I then came to my Peopel and waited two years and then sent Mr. hunter again after selling my stock to Provide him money for his expenses[.] when he Got thare he Staited his mision to Goverment[.] they said that they New nothing of this Richard fields and treated him with contempt[.] I am a Red man and a man of onor and Cant be emposid on this way[.] we will lift up our tomahawks and fight for land with all those friendly tribes that wishes land also[.] if I am Beaton I will Resign to fait and if not I will hold lands By the forse of my Red Warriors . . ."³

Hunter "pictured in strong and glowing language the gloomy alternative, now plainly presented to the Indians, of abandoning their present abodes and returning within the limits of the United States—or preparing to defend themselves against the whole power

¹S. F. Austin to the commander of Texas, September 10, 1826. File 237, Nacogdoches Archives.

²S. F. Austin to the commander of Texas, September 11, 1826. File 198, Nacogdoches Archives. Translation.

³P. E. Bean to S. F. Austin, December 30, 1826. Austin Papers. Bean says Fields delivered this speech before the committee at Nacogdoches.

of the Mexican Government by force of arms. The fierce multitude of savage warriors who listened to him were not long in determining in favor of energetic measures, and they unanimously declared for the immediate commencement of hostilities upon the neighboring colonists in Edwards's grant—considering them as a part of the population of the Mexican Republic. They believed themselves capable of overrunning the country about Nacogdoches with little or no difficulty; and many of them were quite eager for the spoils which they expected to gather in their contemplated course of conquest.”¹

Hunter, however, recognizing the uncertainty of such a course and, perhaps, not entirely ignorant of the state of affairs at Nacogdoches, succeeded in persuading the Indians to postpone hostilities “for a week or two, until he could have an opportunity of visiting Nacogdoches and ascertaining the exact condition of the colony He repaired . . . to Nacogdoches, and after remaining a day or two there . . . determined to have an interview with the *empresario* and his brother, and to lay before them a proposition for the formation of a league, offensive and defensive, against the Mexican government Accordingly, he approached the brothers, . . . [and, after] listening to the pathetic story of their wrongs, . . . he ventured by degrees to unfold the object of his visit. He painted to his new acquaintances the exposed condition of the colonists, and the certainty of their being shortly attacked by an uncontrollable host of warriors, who were then arranging for the onslaught; he expatiated upon the fact . . . that they could expect no succor from the Mexican government . . . and urged them . . . to unite with the Indian tribes under the control of himself and Fields”²

Edwards's Colony.—To understand and appreciate the reception Hunter's proposition received on the part of the Edwards brothers, a brief survey of the difficulties they had experienced in the planting of their colony is necessary. By Art. 2 of Edwards's contract “all those possessions which are found in Nacogdoches and its vicin-

¹ Foote, *Texas and the Texans*, I 248.

² *Ibid.*, I 249.

ity, with corresponding titles, shall be respected by the colonists; and it shall be the duty of the empresario, should any of the ancient possessors claim the preservation of their rights, to comply with this condition.”¹ To ascertain the extent of the claims thus safeguarded, Edwards issued an order October 25, 1825,² directing that all persons holding such claims should present them immediately for confirmation or rejection according to law, otherwise the lands would be sold. This notice gave great offense (1) to the old settlers at Nacogdoches, many of whom had good reason to object to an inspection of their titles and all of whom were jealous of Edwards’s authority, and (2) to the authorities of the State, because he claimed the right (which he did not possess) to sell the lands. About the same time that Edwards issued the foregoing order he issued another for the election of militia officers to occur December 15, 1825. Notwithstanding the fact that Art. 6 of his contract appears to have conferred this right upon him, the officers of the general government were highly offended that a rank foreigner like Edwards should be invested with and presume to exercise such authority. Edwards also took a prominent part in the election for first alcalde of Nacogdoches, which was held about January 1, 1826; and the election of his son-in-law, Chaplin, completed the breach between his adherents and the opposing faction.

The opponents of Edwards, in their communications to the political chief, magnified his mistakes and misrepresented the acts of Chaplin the alcalde, until after three months they succeeded in having the latter removed and his place filled by the man whom he had defeated—Samuel Norris. With the accession of Norris “commenced a system of petty tyranny and invidious distinctions which exasperated the colonists. Americans, who had wrought improvements on their lands, were ousted from them to give place to Mexicans, the favorites of Sepulveda [captain of the militia] and the alcalde. A band of regulators was formed, under the command of James Gaines, the brother-in-law of Norris; and backed by these ruffians and the official support of Saucedo [the political chief] the Mexican party domineered as they liked.”³ By June,

¹Yoakum, *History of Texas*, I 462.

²See note 1, p. 117.

³Bancroft, *North Mexican States and Texas*, II 101.

rumors had reached Nacogdoches that Edwards's grant would be annulled, and the Mexicans, thinking that all titles acquired through him would be revoked, set up claims to all the most valuable places occupied by his colonists. "The shamelessness of Norris—who was, however, controlled by James Gaines—was such that these abominable claims were sanctioned by him. A reign of terror followed. American settlers were dispossessed of their homes; were arrested at midnight and dragged before the alcalde to be punished for acts they had never committed; they were fined and imprisoned; and every contumely and vexation that envy and malice could suggest were heaped upon them."¹

The American settlers, with remarkable self-control, endured these outrages, perpetrated under the guise of law, until toleration absolutely became criminal. About the close of September, they determined to rid their country of this pestilence; but B. W. Edwards, still hoping for justice from the State authorities, exerted himself to restrain them yet a while longer. October 2d, he addressed a letter to B. J. Thompson, saying, "Let us wait and not prejudice our prospects by premature operations on our part. The government may yet act with faith and justice toward the Americans. . . . The eyes of the government are at this moment upon us all, and much may depend upon our present deportment. Gaines and Sepulveda have been represented to the proper authorities, and in a little time an investigation must take place."² However, they waited in vain for a month and a half; then, on November 22, a party of thirty-six armed Americans entered Nacogdoches under the leadership of Martin Parmer, and arrested Norris, the alcalde, Sepulveda, the commander of the militia, and sought to arrest James Gaines and one or two others of those who had become intolerable to all law abiding citizens. They declared the alcalde's office vacant, and appointed José Doste alcalde *ad interim* until an election to fill the vacancy could be held. Parmer and his officers constituted themselves a court-martial which offered one hundred dollars for James Gaines dead or alive.³ They preferred charges

¹Bancroft, *North Mexican States and Texas*, II 102.

²Yoakum, *History of Texas*, I 244.

³Proclamation issued by the court-martial, dated November 25, 1826. Bexar Archives. It is signed by Martin Parmer, colonel and president

against Norris and Sepulveda, and tried them and found them guilty, but released them on condition that they never hold any office in the district. After remaining in Nacogdoches about a week, they returned to their homes and disbanded.¹ The whole proceeding was not an act of rebellion against the Mexican government, but an attempt on the part of outraged citizens to free themselves of a set of oligarchs, who not only tyrannized over them at home, but lost no opportunity to heap slander and abuse upon them in their communications to the superior authorities. But instead of taking warning from this episode, the Mexicans converted it into fuel with which to make the flames of hatred and jealousy burn still more fiercely.

When Norris and Sepulveda were arrested, Manuel Santos, a subaltern of the latter, collected a few adherents and a lot of Indians to liberate the prisoners.² The Mexicans found the Cherokees hostile; they concluded that the Americans had been among them and incited them against the government.³ They doubled their exertions, therefore, to attach as many of the other tribes to their party as possible.⁴

of the court-martial, J. Roberts, major, B. J. Thompson, captain, J. W. Mayo and William Jones, members of the court-martial, and H. B. Mayo, major and judge-advocate of the court-martial.

¹This summary is made from S. F. Austin's letter to the political chief, dated December 4, 1826. File 214, Nacogdoches Archives. Austin obtained his information from two men who had just arrived from Nacogdoches. For accounts by the opponents of the Americans, see Patricio de Torres to political chief, November 11, and to postmaster at Bexar, Nov. 28, 1826 (Bexar Archives); Sepulveda to political chief, November 28, 1826 (File 187, File 183. Ibid. Nacogdoches Archives); José Doste to political chief, November 29, 1826.

²Patricio de Torres's and Sepulveda's letters of November 28, 1826, referred to in the preceding note.

³Political chief to vice governor, November 26, 1826 (Blotter for 1826, in Bexar Archives); vice governor to political chief, December 13, 1826 (Bexar Archives). See also B. W. Edwards's letter to Aylett C. Buckner, p. 143 below.

⁴Sepulveda to political chief, December 3 and 15, 1826. Files 182 and 179, Nacogdoches Archives. "It should be here stated that a strong motive for this alliance [between the Cherokees and Edwards] was derived

The Fredonian Affair.—It was about this time that Hunter visited the Edwards brothers. News that an expedition was being organized to expel Edwards and that his contract had been annulled perhaps reached them while Hunter was at Nacogdoches.¹ Thus seeing injustice heaped upon injury it is not difficult to imagine in what spirit Hunter's project for an offensive and defensive alliance was received. "A meeting of the leading settlers about Nacogdoches was . . . convened, and the preliminaries of a compact of alliance with the Indian tribes were soon arranged."² Hunter undertook to enlist all the Indian warriors,³ while Edwards hoped to bring in the whole American population of Texas, aided by their

from the fact . . . that the Mexican government [the Mexican oligarchs at Nacogdoches] had been, for several weeks, actively engaged, through the medium of emissaries then among the tribes, to incite them to an attack upon the colonists." (Foote, *Texas and the Texans*, I 250.)

¹Political chief to vice governor, November 25, and to the alcalde of Nacogdoches, November 29, 1826. Blotter for 1826, in Bexar Archives.

²Foote, *Texas and the Texans*, I 250.

³It is barely possible that Hunter counted on assistance from other quarters than those mentioned above. James Kerr, one of the commissioners sent to the Fredonians early in January, on his return from his unsuccessful mission, wrote to S. F. Austin saying: "As a duty that I owe to myself and to this beloved Country of my adoption, I am impelled by an impulse by which every good citizen ought to be actuated; I beg leave to suggest that there is a Combination of men (Some of whom call themselves Americans) but I believe them to be Englishmen principally—though some are perhaps french origin and carry with them as it is believed Spanish manners and deportment—that have conspired against this nation.

"First, I will Identify one John D. Hunter (commonly called Doctor Hunter), and one — Basset; these two men say that they are Cherokees by adoption. . . . I have seen Hunter and Basset together and I believe them to be brothers. The Mexican nation granted a Section of territory to one Gen. Waval to colonize, and I was informed by some of the out Laws while at Nacogdoches that Hunter had said his great dependence and hopes for assistance to revolutionize the department of Texas was on the British; that he expected in less than four months to be re-enforced by 300 englishmen who would land at the mouth of the Brassos under the command of said Waval; that a Doctor *Somebody* who spoke french, english and spanish was then in the interior as a spy; that Hunter would act on the frontiers, stimulating to action our red Brethren,

kinsmen in the United States. "As soon as this friendly understanding was brought about, Hunter returned to the Cherokee village, for the purpose both of obtaining sanction there of what he had done, and of detaching, as soon as he might find it possible to do so, a body of Indian warriors to Nacogdoches, to unite with the colonists in the measures of defense now become necessary." December 13, the Edwardses visited the settlers between the Attoyac and the Sabine, where it seems they found no difficulty in arousing the spirit of resistance.¹

After two days Benjamin Edwards with fifteen men returned toward Nacogdoches. On reaching the Attoyac on the evening of the 15th, a rumor reached him which informed him that the enemy was expected at Nacogdoches that very night. Delaying only long enough to prepare a flag, he pushed on and entered Nacogdoches on the morning of December 16th.² Patricio de Torres says that Parmer, too, was one of the leaders of the party, and that their flag was red and white and had upon it the words "*Independence, Freedom and Justice.*"³ The reported approach of the enemy

while the British would land on the coast and overpower all opposition and organize a government of their own formation and which as my informant said would be an effective one.

"Unlikely as such a scheme would seem, when compared with reason and common sense; yet we see some of its features demonstrated. Hunter has raised the hatchet and the blood hounds at his heels ready to devour opposition. . . .

"It is a well known fact that Waval and Hunter were together in Mexico last winter and that Hunter said he was treated with more than ordinary politeness by said Waval and other Englishmen in Mexico." (Kerr to Austin, January 24, 1827. Austin Papers.)

The political chief in his letter of January 9, 1827, to the vice governor, (Bexar Archives), speaking of Hunter, said: "opinion todos que sea emisario de algun gabinete Europeo." And the commander of Texas in his letter, of same date as above, to the general commandant, said: "Todo es de temerse del Dr. Ingles Juan Honter." (Ibid.)

¹ Foote, *Texas and the Texans*, I 250. Those who participated in the affair of November 22d were largely drawn from this section.

² Ibid., I 251.

³ Patricio de Torres to the commander of Texas, December 29, 1826. Bexar Archives.

proved to be premature.¹ Edwards and his men, therefore, busied themselves putting the old stone fort in a state of defense, levying on the disaffected Mexicans for supplies of provisions, perfecting their alliance with the Indians, and seeking to enlist all Americans in Texas and those in the adjacent parts of the United States in their undertaking.

"On the 20th of December . . . Hunter returned to Nacogdoches, accompanied by Fields, and various Indian chiefs besides, prepared to enter into a *council* with a view to settling definitely the terms of alliance with the colonists heretofore alluded to. An assemblage was accordingly convened, composed of the delegates in attendance from the Indian tribes, and individuals authorized to act as representatives of the colonists, which assumed the title of 'The General Council of Independence.' By this body a scheme of alliance was matured, which, through the agency of Commissioners appointed for the purpose, took the form of the compact which follows:²

"Whereas, the Government of the Mexican United States, have by repeated insults, treachery, and oppression, reduced the White and Red emigrants from the United States of North America, now living in the Province of Texas, within the territory of said Government, into which they have been deluded by promises solemnly made, and most basely broken, to the dreadful alternative of either submitting their free-born necks to the yoke of an imbecile, faithless, and despotic government, miscalled a Republic; or of taking up arms in defence of their unalienable rights and asserting their Independence; They—viz:—The White emigrants now assembled in the town of Nacogdoches, around the Independent Standard, on the one part, and the Red emigrants who have espoused the same Holy Cause, on the other, in order to prosecute more speedily and effectually the War of Independence, they have mutually under-

¹Foote (I 251) says Colonel Bean had on the 15th advanced at the head of about thirty-five soldiers within a few miles of Nacogdoches, but afterward withdrew to the Trinity. This must be an error; for Austin, in his letter to the political chief dated at San Felipe, December 15th, says "Corl C. Pedro Elias Bean sale hoy para aquel punto;" and the distance thence to Nacogdoches is too great for him to have covered in one day.

²Foote, *Texas and the Texans*, I 253.

taken, to a successful issue, and to bind themselves by the ligaments of reciprocal interests and obligations, have resolved to form a Treaty of Union, League and Confederation.

“For the illustrious object, Benjamin W. Edwards and Harman B. Mayo, Agents of the Committee of Independence, and Richard Fields and John D. Hunter, the Agents of the Red people, being respectively furnished with due powers, have agreed to the following articles:

“1. The above named contracting parties, bind themselves to a solemn Union, League and Confederation, in Peace and War, to establish and defend their mutual independence of the Mexican United States.

“2. The contracting parties guaranty, mutually, to the extent of their power, the integrity of their respective Territories, as now agreed upon and described, viz.: The Territory apportioned to the Red people, shall begin at the Sandy Spring, where Bradley’s road takes off from the road leading from Nacogdoches to the Plantation of Joseph Dust, from thence West, by the Compass, without regard to variation, to the Rio Grande, thence to the head of the Rio Grande, thence with the mountains to the head of the Big Red River, thence north to the boundary of the United States of North America, thence with the same line to the mouth of Sulphur Fork, thence in a right line to the beginning.

“The Territory apportioned to the White People, shall comprehend all the residue of the Province of Texas, and of such other portions of the Mexican United States, as the contracting parties, by their mutual efforts and resources, may render Independent, provided the same shall not extend further west than the Rio Grande.

“3. The contracting parties mutually guaranty the rights of Empresarios to their premium lands only, and the rights of all other individuals, acquired under the Mexican Government, and relating or appertaining to the above described Territories, provided the said Empresarios and individuals do not forfeit the same by an opposition to the Independence of the said Territories, or by withdrawing their aid and support to its accomplishment.

“4. It is distinctly understood by the contracting parties, that the Territory apportioned to the Red people, is intended as well for the benefit of those Tribes now settled in the Territory appor-

tioned to the White people, as for those living in the former Territory, and that it is incumbent upon the contracting parties for the Red people to offer the said tribes a participation in the same.

"5. It is also mutually agreed by the contracting parties, that every individual, Red and White, who has made improvement within either of the Respective Allied Territories and lives upon the same, shall have a fee simple of a section of land including his improvement, as well as the protection of the government under which he may reside.

"6. The contracting parties mutually agree, that all roads, navigable streams, and all other channels of conveyance within each Territory, shall be open and free to the use of the inhabitants of the other.

"7. The contracting parties mutually stipulate that they will direct all their resources to the prosecution of the Heaven-inspired cause which has given birth to this solemn Union, League and Confederation, firmly relying upon their united efforts, and the strong arm of Heaven, for success.

"In faith whereof the Agents of the respective contracting parties hereunto affix their names. Done in the Town of Nacogdoches, this the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-six.

"[Signed.]

B. W. EDWARDS,
H. B. MAYO,
RICHARD FIELDS,
JOHN D. HUNTER.

"We, the Committee of Independence, and the Committee of the Red people, do ratify the above Treaty, and do pledge ourselves to maintain it in good faith. Done on the day and date above mentioned.

"[Signed.]

Richard Fields,
John D. Hunter,
Ne-ko-lake,
John Bags,
Cuk-to-keh,

Martin Parmer, President.
Hayden Edwards,
W. B. Legon,
Jno. Sprow,
B. P. Thompson,
Jos. A. Huber,
B. W. Edwards,
H. B. Mayo."¹

¹ Foote, *Texas and the Texans*, I 253-256. Two of the above signatures are incorrectly given by Foote; they should be written Jno. Sprowl and B. J. Thompson, and not as above.

What was uppermost in the minds of those who made this treaty is evident. Five of the seven articles deal with land. Land is what had induced the Americans to come to Texas; it was to obtain land that the Cherokees had made several trips to the city of Mexico. The Americans, although partly successful in obtaining lands, found themselves in imminent danger of losing it; all the efforts of the Indians had met with failure. By resorting to force the former hoped to protect their rights and liberties; the latter saw in it the last hope of realizing their cherished plans for forming an Indian country.

"The Treaty of Alliance being executed, the Commissioners on the part of the colonists laid the same forthwith before the colonists and obtained their sanction to it without difficulty or delay."¹ They next bent their efforts to the enlistment of aid at the more distant points. December 26, B. W. Edwards wrote to Captains Aylett C. Buckner and Jesse Thompson, Col. James Ross, and other prominent citizens of Austin's colony. A portion of his letter to the first named follows:

"We have not acted blindly or precipitately in this matter. We have for some time looked forward to this issue, and were prepared for it. The Indians on our north have long since intended the same thing, and have only been waiting for us to say the word. They were determined to have a part of the country, which, they say, was promised to them by the government, and which they will never yield. They have immigrated of late in great numbers to the northern part of this province. Under those considerations, and for our own security and protection, we have just completed a treaty with them, designating a line to the north of this, running westwardly to the Rio Grande, securing all individual rights within their territory.

"The treaty was signed by Dr. John D. Hunter and Richard Fields as the representatives of the United Nations of Indians, comprising twenty-three tribes.

"They are now our decided friends, and by compact, as well as interest, are bound to aid us in effecting the independence of the country. The Comanches are in alliance with them, and their

¹ Foote, *Texas and the Texans*, I 256.

united efforts will be immediately directed against this base and faithless government."¹

It is not probable that these letters would have had much effect, even if they had been passed unnoticed; for Austin's colonists had experienced none of the injuries complained of by Edwards, who himself says, "You have been much more fortunate than we have been, in being permitted to enjoy the benefits of self-government."² But they were not allowed to pass unchallenged. Austin threw his whole influence against them at home, and reasoned and remonstrated with the Fredonians themselves.³ At a meeting of the citizens of Austin's colony at Victoria (Matagorda) resolutions were adopted condemning the Fredonian affair in the most unqualified terms.⁴ And when the political chief arrived at San Felipe and issued a proclamation granting amnesty⁵ to the Fredonians, commissioners were sent from Austin's and De Witt's colonies to use their best efforts to induce them to embrace the generous terms and thus to end this affair.⁶

The efforts to secure aid from the United States were quite as unsuccessful as the attempt to enlist Austin's colonists. Mr. Foote attributes this failure chiefly to the perfidious conduct of Jos. A. Huber,⁷ who deserted the Fredonian cause. But aside from this, contemporary notices in the Louisiana newspapers show that the affair was sized up pretty accurately from the beginning, and did not seem to them to promise success with sufficient assurances to induce even adventurers to enlist.

¹B. W. Edwards to Aylett C. Buckner, December 26, 1826. *Comprehensive History of Texas*, I 518.

²B. W. Edwards to the inhabitants of Austin's colony, January 16, 1827. Foote, *Texas and the Texans*, I 260.

³S. F. Austin to Burrell J. Thompson, December 24, 1826, and January 1, 1827, and to John Sprowl. Austin Papers.

⁴Resolutions adopted by the citizens of Victoria, January 9, 1827. File 1931, Box 20, Texas Archives.

⁵Political chief to Hayden Edwards, January 6, 1827. File 163, Nacogdoches Archives.

⁶Commander of Texas to general commandant of the Eastern Internal States, January 9, 1827 (Bexar Archives); report of the commissioners Richard Ellis, James Cummins, and James Kerr, January 22, 1827 (Austin Papers).

⁷See a copy of Huber's letter in the *Arkansas Gazette*, January 30, 1827.

Even the people of eastern Texas did not rally to the standard of the Fredonians with the spontaneity one might expect from the part some of them had already taken in the affair. When the crisis approached, without assistance from the United States or from Austin's colony, they yielded to the offers of the Mexican agents—notably Colonel Bean.¹

The Indians, thus, constituted the last and only hope for success of the small body of determined Fredonians. Hunter and Fields, after the conclusion of the treaty, immediately returned to the Cherokee village for the purpose of securing its ratification by the various tribes which they represented. Here great and unexpected obstacles presented themselves. Many of the warriors were absent. The Kickapoos, one of the strongest and most warlike of the associated tribes, cherished sentiments of deadly hostility toward the whole white population and could not be brought into the league. After a week's negotiating, only thirty Cherokee warriors volunteered, and half of these deserted Hunter when they arrived at Nacogdoches and found the Fredonians engaged in a drunken brawl.²

However, the factor that was of greatest importance in creating Indian disaffection was the Mexican agent. The Mexican authorities plainly foresaw that the Indians were most to be feared, that the rebellion depended upon their aid for success; and they did not hesitate about the means to be employed for detaching them. Peter Ellis Bean³ busied himself with securing the alliance

¹P. E. Bean to S. F. Austin, December 28, 1826. Austin Papers. Quoted on p. 146 below.

Two years later the governor of Coahuila and Texas in a letter to the minister of relations, dated March 18, 1828, said of these colonists: "The inhabitants *de los Ays* have rendered very important services to the Government by making open declaration against the revolutionists in Nacogdoches raised by Hayden Edwards and associates in December 1826, with whose assistance that nefarious assemblage was completely routed and broken up and good order restored in that section of the State." *Empresario Contracts*, 330. Translation.

²Foote, *Texas and the Texans*, I 256, 257.

³Bean went to Mexico in June, 1825, and while there received a colonel's commission in the Mexican army. He returned in the fall of 1826, reaching San Antonio about the end of November and San Felipe December 15th, just in time to take part in putting down the Fredonian affair.

or neutrality of all Americans and Indians that could be bought off with promises of land. On the 28th of December he wrote to S. F. Austin:

"I have Divided them [the Americans] so that I have now 70 me[n] coming from the Irish Bayu to attack 30 that is in naco-doches[.]¹ and my letters from field yet I have no answer[.] But I am waiting howlerly for the answer[.] if I Suckseed in Breaking him of I then put out the fier instantly and thare is litel Doubt with me in my mind But that I shall Suckseed . . ."²

Two days later Bean again wrote to Austin:

"I also wrote to Richard fields and Dr. hunter[.] fields Did not Rite me but sent me word that I was to late[.] if he had of saw me one month sooner Perhaps we might of come upon tirms[.] that is all the satisfasion he Gave me.

"But if Mr. Sauseda will come as quick as Posibel on Perhaps we can make a compremise with the Ingins for they are all that is to be fearid[.] they aime at marching to Sn. Antonio if something is not quickly Done . . .

"So my Dier Sir the only way to stop this is to Come forward Sor. Sauseda and give them lands or the Countrey will [be] entirely lost[.] if we can Brake of the Ingins the thing is settled[.] you will hurry Sausada and let him now what I Right you."³

The military commander in company with the political chief set out from San Antonio for Nacogdoches Dec. 11, with 125 men. They reached San Felipe January 3, 1827. Here they received the

¹The attitude of these people is well illustrated in the following extract from Mr. Roberts's letter, quoted by Bean in his letter to Austin, December 30th: "it appears at Preasant Imposibel to say which side to take to save our families and Property[.] it appears at Prasant the onley course to Pursue is to lie still and take no Pert on no side[.] the Peopel of this [vicinity (?)] Intended to try to Put Down the Rebellion untill they was eformid that the Ingins had Joynid them[.] they then came home and is Pasing their family and Property over the Sabean as fast as Posibel as they are not abel to Contend with the Combined Ingins. But the Peopel is very much Devidid[.] thare is not more then 30 americans of the Rebel Perty But the Ingins is of a grait number Shawneys Dillaways Socks and quicapus and Cheris all those have Movid in this quarter[.]"

²P. E. Bean to S. F. Austin, December 28, 1826. Austin Papers.

³P. E. Bean to S. F. Austin, December 30, 1826. Austin Papers.

latest reports from Nacogdoches. Twenty days march from San Antonio, at a season of the year when the roads were almost impassable, these officers felt keenly the weakness of their small force, while their disturbed imaginations pictured every Indian in Texas in arms ready to strike the frontier at every point, and soldiers flocking to the Fredonian standard in such numbers that they must number 1000 very shortly. They halted at San Felipe to await re-enforcements and a favorable change in the weather.¹ A proclamation of amnesty was issued,² commissioners were sent to the Fredonians, the military commander and the political chief wrote to Fields, and Austin to Hunter.

The burden of the three letters is identical and in direct line with Bean's suggestions. The political chief in his letter said:

"When you went to the City of Mexico to solicit land for colonization in this department, I have no doubt the government received your propositions liberally, leaving to your option the selection of the land which might appear best adapted for your new colony, which promise, I can assure you, will not be violated by the government unless there should be some violation on your part. This unequivocal proof of the paternal love of the Mexican government towards those who seek an asylum within its bosom is conclusive as to the friendship and esteem with which you were treated by the supreme authorities.

"The letters which you have thought proper to write to me, offering me your services in defense of the country and its inhabitants, gave me the greatest satisfaction, and as documents of importance I forwarded them to the supreme authorities to whom I am subject, without one moment's delay, and they viewed with the greatest pleasure the sentiments of love, fidelity, and patriotism expressed by their adopted children.

"Now that I have heard through various individuals that you have offered your support and protection to the perverse individuals who, in Nacogdoches, have attacked the sovereignty of the nation . . . I am filled with astonishment and regret, and can not

¹Commander of Texas to general commandant, January 9, 1827 (Bexar Archives); political chief to commander of Texas, January 4, 1827 (File 162, Nacogdoches Archives).

²January 6, 1827. File 163, Nacogdoches Archives.

but believe that you have some misconception on the subject, or have been deceived by individuals who, from interested motives, are endeavoring to compromit you in a matter of such delicacy and importance.

"I am firmly persuaded that if, with your accustomed prudence and reflection, you will take into consideration my observations, you will be satisfied that my government is just and incapable of violating its promises, unless the contracting parties, on their part, violate the contract made with them; and if the government of Mexico has not dispatched your petition for colonization, it has been because your agents did not carry the necessary credentials, or that the multiplicity of the occupations which surround them, and of which we are ignorant, has delayed it. But it can all be regulated if we treat the matter with the prudence and moderation which the subject requires."¹ . . .

The foregoing letters, not the first of their kind sent to Fields as is shown by Bean's communications, did not affect him nor Hunter; they faithfully adhered to their agreement. From them, however, we may judge what arguments the Mexican agents employed with the other Indian chiefs, and what price the Mexican authorities were willing to pay to break up the confederation. The agents had already succeeded in detaching from the alliance Bowles and Big Mush, two of the principal chiefs of the Cherokee nation. Bean made first mention of this division among the Cherokees in his letter to Austin, dated January 4, 1827:²

"I found out that those Rascals is Braking of from Nacogdoches[.] at this time thar is a guard of 12 men onley in the Stone house[.] I wish you to hurry on the troops as fast as Posibel for now is our time Before the ingins geather[.]³ But By a leter I Racived this Day from Samuel Noris I find that the Ingins is also Devidid and it apears that they wont be hear vary shortly

¹*Comprehensive History of Texas*, I 527-528. See also Mateo Ahumada's letter to Richard Fields, and S. F. Austin's to J. D. Hunter, January 4, 1827. *Ibid.*, I 525-529.

²Austin Papers.

³On the 4th of January Norris made an attack on the Stone Fort, but met with ignominious defeat. Hayden Edwards to ———, January 13, 1827. *Louisiana Advertiser*, January 31, 1827.

but the troops must hurry all that they can." The commissioners in their report also make mention of this division.

The political chief and the military commander remained at San Felipe, until the return of the commissioners. On January 22, the detachment of the Twelfth Battalion set out for Nacogdoches, and on the day following one party of Americans was despatched to Ayish Bayou, east of Nacogdoches, to cut off any re-enforcements that might approach from that quarter, and another was sent to the west of Nacogdoches to guard against any aid being obtained from the Indians. Col. Austin with the mounted militia followed a day or two later, and joined Ahumada at the Trinity.¹ The approach of these troops brought matters to a crisis. "Fields and Hunter were again despatched to the Cherokee village for such recruits as they could muster . . . they 'strained every nerve to rouse the faithless Indians to the performance of their reiterated promises, and their solemn obligation by treaty; but in vain. The emissaries of the Mexican government had been among them, and the renewed promises that the land they contended for would be granted, with other and great advantages, seduced them from their faith, and thus rendered the revolution hopeless.'"² Fields and Hunter were murdered by the Cherokees who had gone over to the Mexican side. The forces upon whom the Fredonians had relied so confidently all joined the ranks of their opponents. Deserted, Edwards and his followers abandoned Nacogdoches on December 28 and crossed over the Sabine.³

Under the lead of Bowles and Big Mush the greater part of the Cherokees had accepted the promises of land made to detach them. After quiet had been restored, something must be done touching these promises. They had all been made by persons without authority to grant lands and must, therefore, be laid before the proper officials for confirmation. March 11, Ahumada wrote to Bustamante on this subject. He said:

"Justice obliges me to inform you that Mohs and Buls—civil and

¹Commander of Texas to the general commandant of the Eastern Internal States, January 23, 1827. Bexar Archives.

²H. B. Mayo, quoted by Foote, *Texas and the Texans*, I 279.

³John A. Williams to ———, February 1, 1827. *Louisiana Advertiser*, March 3, 1827.

military chiefs of the Cherokees—agreed to and gave orders to kill Hunter and Fields, recovering the papers and flag mentioned, and giving me every proof of loyalty to and love for our government, from which they hope for a grant of some land in the district for the settlement of their tribe, which solicitation I commend to your Excellency very particularly. I beg you will take it into consideration in order that the reward may be granted them which they have earned by the valuable services they have rendered, and in view of the fact that they have offered to arrest and to deliver Edwards and other leaders of that faction in case they should cross to this side of the Sabine river and visit their village.”¹

Bustamante replied, April 7, as follows:

“With your communication of March 11, last, I received without delay the documents and the revolutionary flag mentioned. It is with pleasure that I learn of the complete restoration of public tranquility in that district . . .

“The death of those perfidious demagogues Fields and Hunter is certainly a very fortunate circumstance for the happiness of the tribes, who were led astray, and for the preservation of the integrity and peace of that territory which they claimed to rule. On which account I have particularly recommended to the Supreme Government the merits of Mohs and Buls, who commanded a breach of the pledge with said visionaries and offered to arrest for you the Edwardses and as many of the rebels as recrossed the Sabine to stir up the tribes.

“Likewise I have recommended the application of these chiefs with regard to the granting of the lands which they solicit for the regular settlement of their tribe, which no doubt will be done by the Supreme Government; and I hope that you will induce them to settle where they may be happy and contribute permanently and in a profitable manner toward the pacification of the Comanches. Aided by our troops and fellow citizens of Bejar, it seems to me that the land most productive and best suited to the attainment of both objects is the San Saba cañon; but, if they should insist that lands be granted them on that frontier, let it be where it best suits the interests of the Mexican Republic, consulting as far as possible the good of the Cherokees, to whose present chiefs you will offer the

¹Bexar Archives. Translation.

assurances of my special esteem, and give me due notice of what they finally say relative to the selection of lands in order that I may report it to his Excellency the President of the Republic.”¹

5. FAILURE TO LOCATE THEIR CLAIM.

The Fredonian affair was in part simply a manifestation of the growth that marked not only Texas, but as well the two Republics of which it formed the borderland; and in turn it became the cause that hastened certain changes which would in the course of time have come about any way. It is not to our purpose to trace all the lines that diverge from this point; but the change it wrought in the Cherokee land question, the stationing of troops at Nacogdoches, the settlement of the boundary between the United States and Mexico, and the closer relations thus established between the general government and Texas, and the results produced by the increased information thus collected are subjects that must receive attention in this connection. It has already been noticed that there had been for three or four years previous to the outbreak almost a continuous clamor for troops to be stationed at Nacogdoches. After the Fredonians were expelled, Ahumada left a detachment at this place. José de las Piedras soon arrived from San Luis Potosi with additional troops and assumed command. He did not get along well with the independent, self-governing, liberty-loving Americans, and his reports to his superiors are full of suspicions touching their plans and designs.

The rapid increase in population on both sides of the Sabine, the desire of the United States to acquire Texas, and the late troubles at Nacogdoches made Mexico rather anxious to have the dividing line between the bordering republics determined. The line agreed upon in 1819 between Spain and the United States had never been surveyed. General Terán, therefore, was appointed commissioner on the part of Mexico to fix the boundary.² He reached Texas early in 1828, and remained nearly a year. During this time he claims to have discovered secret plans among the colonists for separation from Mexico. His reports, the reports Piedras was making, and the better knowledge in general that the officials of the general government now possessed of the condition of Texas

¹Bexar Archives. Translation.

²Filisola, *Memorias*, etc., I 140, *et seq.*

prompted Alamán, secretary of State, to make his famous report to congress, known as the *iniciativa*¹ of the more famous law of April 6, 1830, whose 11th article prohibited the settlement of Americans in Texas, and which proposed to deprive those already in Texas of their influence and power by increasing the Mexican population in that quarter and by settling foreigners among and around them.

In April, 1830, the same month that the law referred to above was enacted, General Terán was appointed commandant general of the Eastern Internal States in the place of General Bustamante.² He immediately set about to secure obedience from the colonists and to guard the integrity of the Mexican Republic. He called upon the governor of each state to send twenty families of poor Mexicans to settle upon the Texan frontier.³ The four hundred and fifty families collected in this manner, aided by the troops now within and yet to be stationed in Texas, he believed would be sufficient for the attainment of the ends already mentioned; since they would receive the hearty co-operation of the Cherokee, Kickapoo, Cooshatie, and other tribes living between the Trinity and Sabine rivers. However, the governors disregarded his request and sent not one family. Terán, therefore, turned his attention to the Indians.

In the years between 1827 and 1830 very little is heard of the Cherokees. May 8, Bowles and Big Mush with thirty-six of their principal men visited the commander at Nacogdoches to ascertain the truth of a report, which had just reached their ears, to the effect that all the Indians that had emigrated to Texas from the United States would be compelled to return thither as soon as Mexico could send sufficient troops to the frontier. They claimed that John Williams was author of the report. Williams happened to be at Nacogdoches on the day Bowles arrived. The commander, therefore, questioned him in the presence of the Indians, and found that the Cherokees were entirely mistaken. They went away satisfied, protesting their confidence in the Mexican government.⁴

¹Filisola, *Memorias*, etc., II 597, *et seq.*

²Ibid., I 147, *et seq.*

³Ibid., I 162, *et seq.*

⁴Francisco Ruiz to Mateo Ahumada, May 14, 1827 (File 173, Nacogdoches Archives); Anastasio Bustamante to Mateo Ahumada, June 26, and the latter to the commandant of Nacogdoches, July 12, 1827 (Bexar Archives).

July 13, the officers of the garrison at Nacogdoches held a meeting at which it was resolved to send Lt. Nicolas Flores to the Cherokee village to deliver to the principal chief the commission of lieutenant colonel, conferred upon him by the general government, and to ask him to repair to Nacogdoches to receive the presents made him by the supreme government and the orders of the commander of that post to co-operate in preserving the peace and repose of the country.¹ Lieutenant Flores returned on the 18th and reported that Bowles was greatly pleased with the honor bestowed upon him. Next day the chief appeared in person, and placed himself with his people at the disposition of the commander.²

January 8, 1828, Bowles visited Colonel Piedras and informed him of his desire to tighten the bonds of friendship between the Cherokees and Mexico, and that he wished to give his people an example of how they might show the gratitude and good will with which they offered to protect this Republic. And to perpetuate this relation he wished to place two of his little sons under the care of the government to be educated and instructed in public affairs in a place where they would not be distracted by the sight of their companions, the Cherokees, or any of the other tribes.³

The good will manifested by the Cherokees, as exhibited in the preceding paragraphs, appears to have been reciprocated by the Mexicans, although they had not yet been put into possession of their lands. After General Terán failed to obtain the Mexican families which he purposed to settle on the borders of Texas, he decided to plant the Indians firmly where they were then settled by giving them land, and thus hinder at least in some degree the rapid growth of the American settlements. August 15, 1831, he wrote to the governor of Coahuila and Texas:

“In compliance with the promises made by the Supreme Government, to the Cherokee Indians, and with a view to the preservation of peace, with the rude Tribes, I caused them to determine upon some fixed spot for their Settlement, and having selected it on the

¹Mariano Cosío to Mateo Ahumada, July 13, 1827. Bexar Archives.

²Same to same, July 24, 1827; Bustamante to Ahumada, September 5, and the latter to Mariano Cosío, August 9, 1827. All in Bexar Archives.

³José de las Piedras to Antonio Elosua, January 8, 1828. Bexar Archives.

head waters of the Trinity, and the banks of the Sabine, I pray your Excellency may be pleased, to order that possession be given to them, with the corresponding Titles, with the understanding, that it will be expedient, that the commissioner appointed for this purpose, should act in conjunction with Colonel José de las Piedras, commanding the military force on the frontier of Nacogdoches."¹

Governor Letona, whom Austin describes as being "unfriendly to Texas and hostile to Americans,"² readily fell in with Terán's order, notwithstanding the fact that its execution would have infringed upon the rights of the State, as will appear below,³ and have wrought great injury to Texas.⁴ Accordingly he transmitted General Terán's order to the political chief of the department of Bexar with the following note:

"This I transcribe to your Honor for your information and in order that you may take the necessary measures, that the above mentioned tribe of Indians may apply to this Government through an Attorney, empowered for this purpose, that a decree may be issued, similar to that relative to the Coshattee and Alabamo Indians, on the 19th of July last."

In reply to the above official note the political chief said:

"Informed by the official communication of the Commander in Chief of these States, dated 15th Aug[.] last, That possession is to be given to the Cherokee Indians, of the places which they have selected, and of all which, Your Excellency is pleased to transcribe to me, in your official communication of the 1st instant. I shall issue the necessary orders to the Alcalde of Nacogdoches, to inform the said Indians, that they must apply to the Government by Attorney, empowered to represent them, and negotiate for the grant of the lands they require, yet nevertheless, I feel it my duty, to represent to your Excellency, that this tribe as well as that of the Coshattees and Alabamos, who wish to have titles to lands will find it to be

¹Governor Letona to the political chief of the department of Bexar, September 1, 1831. *Record of Translations of Empresario Contracts*, 89. Translation by Thomas G. Western.

²S. F. Austin to the president of the senate of Texas, December 5, 1836. *Appendix to Empresario Contracts*, 441.

³Governor Beramendi's resolution, p. 162, below.

⁴Bean's letter to Elosua, p. 161, below.

very difficult to defray the expenses of the Attorney, or agent required of them, to represent them at the Capital, for inasmuch as they are uncivilized and poor, the citations I have made will be useless, and even supposing that they could procure them, and that the lands were granted to them conformably to the Colonization Law, the difficulty would still present itself, of their not having wherewith to pay the fees of the Commissioner or Surveyor, nor the Stamp paper for the Titles, to be issued upon, nor the amount due to the State, as established by said law, and therefore, if some other measure is not adopted, it is probable nothing will be done in this affair, unless the Commanding General, under the authority of the Commission from the Supreme Executive of the Union, should settle them as colonists of the new Settlements, projected at the expense of the Federal Government.”¹

The new settlements alluded to in the preceding letter were provided for by the law of April 6, 1830. According to its 3d article a commissioner or commissioners were to negotiate with the legislatures of the border States for the purchase of the lands on which to locate these new settlers, who were (7th Art.) to receive the aid of the government to the extent of one year’s free maintenance, free land, and free agricultural implements. Governor Letona adopted the suggestions made by the commandant general and the political chief in their respective letters, and in pursuance thereof directed the following note to the latter:

“Under this date I have commissioned Colonel José de las Piedras, to put each of the families, composing the Tribe of Cherokee Indians, in possession of the lands which with consent of this Government, and that of the Nation,² they are possessing in this department.

“Your Honor will therefore cause the above mentioned Commissioner, to be furnished with such Stamp paper, as he may require for the above mentioned purposes, on his own responsibility.”³

¹Political chief to Governor Letona, September 25, 1831. *Record of Translations of Empresario Contracts*, 90.

²Cf. Governor Beramendi’s resolution, pp. 162-163 below, which qualifies this statement very greatly.

³Governor Letona to the political chief, March 22, 1832. *Translations of Empresario Contracts*, 90.

Colonel Piedras informed the Political Chief of his acceptance in the letter following, while at the same time he requested further instructions:

"His Excellency the Governor of the State, in his official note of 22d of March, has been pleased to commission me to adjudge lands in right of property to the families composing the Cherokee tribe of Indians, transmitting to me also instructions for my government, and having accepted the appointment for the purpose of preserving better order on this frontier, I inform your Lordship of the same, as one of the first duties imposed upon me by this appointment, and I await that you may be pleased to communicate to me your orders, and give me instructions for the better discharge of it, craving you will communicate to the Civil Authorities the necessary orders in relation to the matter, as may be requisite to effect the object required."¹

Additional instructions were sent to Colonel Piedras by the Governor on the 9th of August;² but before they had been issued, Colonel Piedras had been expelled from Nacogdoches by a party of Texans.³ This event terminated the measures that had been taken to put the Cherokees in possession of their lands; despite the fact that General Terán, heartily seconded by Governor Letona, had been very anxious thus to ensure the friendship of these Indians.

Before the claims of the Cherokees were again brought forward important changes took place in the body of officials upon whom the management of this business devolved. With Piedras's expulsion the garrison at Nacogdoches withdrew to San Antonio and never returned. General Terán, "a genuine monarchist" and the colonists' "archenemy" committed suicide, and his position of commandant of the Eastern Internal States was filled by the appointment of General Vicente Filisola in January, 1833. General Filisola was himself one of the Texan *empresarios*, having obtained a permit, October 15, 1831, to colonize 600 families within a dis-

¹José de las Piedras to Ramon Musquiz, May 7, 1832. *Translations of Empresario Contracts*, 91.

²Governor to José de las Piedras, August 9, 1832. Nacogdoches Archives.

³Col. Bullock's report of the engagement at Nacogdoches. Brown, *History of Texas*, I 192.

trict including a large portion of the land claimed by the Cherokees.¹

Governor Letona, who was "hostile to Americans" and in harmony with Terán, fell a victim of the yellow fever epidemic late in the year 1832; and Vice Governor Beramendi, who took his place, was a warm friend of Texas and the Texans. It is not surprising, therefore, to find that measures which had apparently been settled were taken up anew, re-examined, and viewed in an entirely new light. However, if it was the Mexicans who seemed to have pushed their claims during 1831 and 1832, it was the Cherokees themselves, aided by their Anglo-American neighbors,² who urged them during 1833. A number of these Indians proceeded to San Antonio and laid their business before the political chief. July 20, 1833, the latter wrote to the Secretary of State of Coahuila and Texas: "I enclose for the information of the supreme authorities the original applications, in English, (together with a translation,) of the Cherokee tribe of Indians, in which they request that they be put in possession of the land which they designate in accordance with a previous offer made them. . . .

"To attend to the particulars [enumerated in the petition] a commission of three, selected from the six representatives present, will proceed to the capital in order to treat in person upon an affair in which the honor of the government is already com-

¹Cf. Governor Beramendi's resolution, p. 162, below.

²This statement may seem strange, but the action of the convention of 1832 can not be interpreted in any other way. October 3, Mr. C. S. Taylor, of Nacogdoches, moved that a committee be appointed "to memorialize the State government on the subject of land granted to and petitioned for by the North American tribes of Indians, so as to remove much anxiety evinced by them." A committee was appointed whose members were very nearly all East Texans, and it reported (October 5) an address to the *ayuntamiento* of Nacogdoches, requesting that honorable body "to investigate the affairs and to learn the wishes of the North American tribes of Indians in relation to their lands, so that they may become assured of our friendship by active steps taken in their behalf. . . .

"And lastly, we beg the Ayuntamiento of Nacogdoches will make known to the Indians that the disposition of the people of Texas is to assist them in obtaining good titles to, and possession of land, and not to deprive them of that which they already claim."—*Proceedings of the General Convention [of 1832]*, 11, 20.

promised. The commissioner José de las Piedras, to whom the matter was entrusted, was not able to discharge it because of his departure from Nacogdoches, whither he has not returned up to this time.”¹

A copy of the petition referred to by the political chief reads as follows:

“The subscribers have been appointed commissioners by the Cherokee tribe of Indians to solicit from the government of the State of Coahuila and Texas a title to a certain tract of land which said government offered² to them for the establishment of a colony of their tribe.

“The subscribers state that the tract they have selected under the promise of the government is located in the vicinity of Nacogdoches; and is bounded as follows: Boundary begins where the Bexar road crosses the Trinity river, and follows said road in the direction of Nacogdoches to the Angelina river; thence it proceeds up the right bank of said Angelina river to where José Dust now lives; thence it continues with the course to the northeast till it touches the Sabine river; thence up the right bank of said Sabine river to its headwaters; thence west till it touches the Trinity river; and finally from thence down the left bank of said Trinity river to the point of beginning.

“The subscribers represent to you that, after the government had promised to give them said tract, they settled in it, and from that time forward have cultivated it in the hope of securing complete ownership. But some years having passed since the government made them that promise, they request that the government send a commissioner to put them in possession, for which office they recommend Don Manuel Santos Coy, a resident of Nacogdoches and qualified to carry out this commission.

“The subscribers state further that some Americans have selected for their own use the best places within the tract pointed out, and that they stated to the chiefs of the tribe that these acts were authorized by the government. The subscribers have been duly appointed by the members of said tribe to arrange this mat-

¹*Appendix to Empresario Contracts*, III 278, 281. General Land Office. Translation.

²Cf. Governor Beramendi's resolution, p. 162, below.

ter, to request of the government the favor of putting them in possession of said tract of land immediately, and to ask that the commissioner be instructed to grant a title for the whole tract to be held in community.

“In addition, it is absolutely necessary that the Americans be removed, who settled on said tract after the subscribers had a claim to it by virtue of the promise made them by the government, or, at least, that the land which they have selected be not taken from that belonging to this tribe.

“The subscribers further state that it is now four years since they sent to the government the census of the population of their tribe, and that since that time there has been an increase in the number of individuals of the tribe amounting to 190 or 200 persons. This increase is due to our boys growing into men and to the immigration of our fathers and brothers, who have come to live with us. We desire that these persons be entitled to the same privileges as those who came earlier. The tribe at present numbers about 150 families, comprising about 200 men, the total number of persons being about 800. The property of this tribe consists of about 3000 head of cattle, about the same number of hogs, and of 500 or 600 horses. The subscribers inform you that said tribe lives chiefly by tilling the soil and by raising cattle. They believe that the land designated will be sufficient for their farms and ranches. . . .

“Colonel Boles,	Piggion,
John Boles,	Andrew M. Vann.
Richard Jestice.	Eli Harlin.” ¹

The political chief in his communication of July 20, already referred to, takes up the paragraphs of this petition one by one and comments upon them as follows: “There can be no doubt as to the advantages that will result to this department from the settlement of these Indians, who are almost civilized; provided always, that they can be induced to acquire our language and adopt our customs and laws, so that as far as possible they may be governed by them. In this way, and by settling Mexicans among them, the naturalization of these immigrants, though slowly, will

¹*Appendix to Empresario Contracts*, III 282-284. General Land Office. Translation.

be accomplished. In case of war and in the useful arts they may prove themselves very serviceable to this country.

"But, in my opinion, before executing this contract—although for the present and a certain number of years they may be permitted to govern themselves by their own customs—they should be made to understand that they live subject to the authorities of the land, and that their orders, requests and demands must be obeyed. They shall make war on the Tehuacanas and Comanches, and shall never enter into an alliance with them or any other tribes, unless it be those who live in towns and are subject to this government. . . . They shall never join riots nor any political uprising that may occur in this country, unless they are expressly invited to do so by the supreme authorities. In contravention of this provision, their act shall make null all claims to land that may be granted to them; and, furthermore, they shall be expelled from the Republic. And they should be required to prohibit the further immigration of Indians, even if of like tribe as their own, except by the express permission of the authorities.

"I am also of the opinion that the tract of land which they solicit is too large. It forms a square whose sides are almost 35 leagues: a territory too large for the 150 families which these Indians number. The supreme authorities will resolve upon this point what seems best to them. . . . As they indicate in their petition, they wish the land granted them to be undivided, and to possess it in community. This, they say, is their custom. . . ."

On July 20th, the political chief granted a pass to Colonel Boles, Andrew M. Vann, and Eli Harlin of the Cherokee nation, permitting them to proceed to the capital for the purpose of concluding the business which brought them to San Antonio.¹ After arranging matters with the state authorities at Monclova, the party returned without informing the political chief of the results of their journey. However, "the chief of the Cherokee nation exhibited to the alcalde of Nacogdoches a communication from the vice governor of the State, stating that said tribe should not be disturbed in their present possessions until the supreme general government had resolved upon the question submitted to it."

¹*Appendix to Empresario Contracts*, III 285.

Bean, from whose letter this notice is taken, did not approve of the course pursued by the Cherokees after Bowles's return from Monclova. He disclosed their schemes to the military commander in the following terms:

"In consequence of priority of claim, which said tribe believes to possess to the lands they occupy, they are already planning the introduction of a large number of families of their own nation, and are only waiting till the lands shall be given to them in legal form. For this reason, it has seemed proper for me to say in regard to this nation that, if those Indians obtain possession of the tract of land which is situated about five leagues distant, there can be no doubt that the arrival of those families will fill those lands with a class of barbarous people, and that it will become more and more difficult to cause them to go back. And I believe that it will greatly prejudice all the inhabitants of this frontier.

"Taking into consideration what has been stated above, and keeping in mind the public good of this frontier and of the State, I hope your honor will communicate to the supreme government of the State, through the political chief, that which will be most effective in securing the following object, viz.: When you shall be authorized to grant lands on which said Indians may settle, those lands should be located next to the nations with whom we are now at war. In this way and with such provisions, the expenses will be obviated which we have been obliged to make in subjugating our enemies, the Comanches and Tehuacanas. The Cherokees should be made to understand that the government gives them the lands next to the hostile tribes as the land which they claim by promise from the government."¹

This letter reached the political chief October 23,² and on the next day he wrote to the alcalde, "Inform me plainly and without delay of the contents of the communication of the supreme government of the State . . . Also inform me in regard to the other particulars which have merit in Bean's note; for there is not, in this political chief's office under my charge, the least knowledge

¹P. E. Bean to the commander of Coahuila and Texas, October 7, 1833. *Appendix to Empresario Contracts*, III 288-290. Translation.

²*Ibid.*, p. 291.

of said supreme orders, much less of the attempts of the Cherokees to introduce new families. . . .”¹

In his reply, dated November 19, 1833, the alcalde stated, “that it is true that the chief of that tribe presented to me, when he returned from Monclova, a document issued by his excellency, the governor of the State . . . Although I have endeavored to secure the document referred to, it has not yet been obtained. As soon as I secure it, I will forward you a copy.”² The promised copy was not secured until February 21st³ of the next year, when the following transcript was made and forwarded to the political chief:

“Citizen Juan Martin de Beramendi, Vice Governor of the free State of Coahuila and Texas, exercising the supreme executive power—

“Colonel Boles, Andrew M. Vann, and Eli Harlin of the Cherokee nation, having presented themselves before me in this capital for the purpose of obtaining proprietorship of the tract of land which the said nation at present occupies in the department of Bexar, I caused an examination to be made of the points in the report, which the political chief of that department enclosed in his letter of July 20th, last, and which the representatives named above have delivered. It being noticed that said Indians have located their habitations on the headwaters of the Angelina and of the Cherokees,⁴ which points are included in the colonization grants of the foreigner David G. Burnet and of General Don Vicente Fili-sola, it is not possible to grant the aforesaid petition; because the time allowed to said *empresarios* for completing their contracts has not yet expired.

“In reply to this objection, the petitioners stated that for nine years they have lived in that part of the State under my charge by the permission of the supreme general government, granted to said Boles and Richard Fields in the city of Mexico; and that they believe themselves in possession of better rights than the said

¹*Appendix Empresario Contracts*, III 297. Translation.

²*Ibid.*, 298. Translation.

³*Ibid.*, 299.

⁴For boundary of their lands, see p. 158 above.

empresarios, because their grant is older. Notwithstanding, they have no other documentary evidence than the word which the supreme chief of the Republic gave them, and a map that he delivered to them, on which was designated the territory, the same now occupied by them.

"In consideration of all the above, I have directed that said tribe shall not be disturbed for any reason whatever, until the supreme general government may decide whether in truth it granted to said tribe the concession to which reference has been made at the aforementioned time;¹ or until the termination of the extension of time that the honorable congress has granted to David G. Burnet. In either case the chief of said tribe shall be notified, so that by means of an attorney he may be represented in this capital for the purpose of concluding a suitable contract.

"For the security and protection of the Cherokee tribe, which henceforth subjects itself to the constituted authorities of the State under my charge, I give these presents in the city of Monclova, on the twenty-first day of August, in the year one thousand eight hundred and thirty-three. Beramendi."²

This was the status of the Cherokee claims on August 21, 1833. Facts which had been ignored in the transactions of the two previous years, suddenly arose to postpone the matter for at least two more years; for on March 10, 1835, the political chief of the department of Nacogdoches wrote that, "The supreme government of the State, satisfied with the intentions of the Cherokees, Cooshatties, and other Indians, will not permit them to be disturbed in the lands which they now occupy until the supreme general government shall determine upon the matter; . . ."³ nor is it likely that anything was done by the general government during the remainder of 1835, since Santa Anna was then carrying on a revolution for the dictatorship. The State could do nothing but offer protection to the Indians while they insisted on remaining where they were,

¹That the supreme general government did *not* "grant to said tribe the concession to which reference has been made at the aforementioned time" is amply proved in the preceding pages.

²*Appendix to Empresario Contracts*, III 300. Translation.

³Blotter of letters from political chief of the department of Nacogdoches to the alcalde of Nacogdoches. General Land Office.

and the time of Burnet's original contract had been extended three years—to December 21, 1835.¹

The State authorities, seeing that it was impossible to put the Indians in possession of their lands soon, and that it would perhaps be impracticable ever to locate them where they were then settled, adopted the suggestions made by the political chief and by Colonel Bean in their letters of July 20, and October 7, 1833, namely, that the Indians "should be located next to the nations with whom we are now at war," and on the 12th of May, 1835, the congress of Coahuila and Texas passed the following measure, published by the governor as decree No. 313:

"Art. 1. In order to secure the peace and tranquility of the State, the Government is authorized to select, out of the vacant lands of Texas, that land which may appear most appropriate, for the location of the peaceable and civilized Indians which may have been introduced into Texas.

"Art. 2. It shall establish with them a line of defense along the frontier to secure the State against the incursions of the barbarous tribes."

However, the best proof that the Cherokees did not profit by the provisions of this decree is the fact that they never claimed lands other than those occupied by them. These lands, as we have seen, lay within David G. Burnet's and General Filisola's colonization grants, the time for completing which would expire in December, 1835. Before the expiration of these contracts neither the State nor the general government could put the Indians in possession of the lands which the latter claimed, without the consent and approval of the *empresarios*. And six weeks before the expiration of their contracts, the land business in Texas was suddenly arrested.

On November 11, the Consultation of Texas, at San Felipe, adopted the "Plan of the Provisional Government." The 14th article of this plan provided, "That all land commissioners, empresarios, surveyors, or other persons in anywise concerned in the location of lands, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land office can be properly systematized by the proper authorities which may hereafter be established. . . ."

¹Decree 192, *Laws of Coahuila and Texas*.

The Cherokees, then, had obtained definite promises of land from the officers of the department of Texas by the course of conduct observed during the Fredonian affair. These promises were never sanctioned by the general government, but in a general way they were acquiesced in by the government of the State. However, the Cherokees did not profit by them, but practically made them void by their unreasonable stubbornness in insisting that the land granted them should be that on which they then lived. They seem to have regarded the promises made them as relating specifically to this tract, and, moreover, that they were retroactive in their effect. But, as has been seen, these lands even before the Fredonian affair began had been turned over to certain *empresarios* for colonization, and had thus been withdrawn for a time from further disposal of the government. The Mexican officials were willing to put the Indians in possession of land; but the latter would not consent to remove to the frontier to accept vacant lands. Therefore, when the act of the Consultation stopped forever the issuance of valid land grants by the Mexican authorities, the Cherokee claim had not yet been located and converted into an incontestable title, but was still floating.